

In the Matter Of:

UNITED STATES vs STATE OF GEORGIA

1:16-cv-03088-ELR

HALEY LIVINGSTON

January 30, 2023



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UNITED STATES vs STATE OF GEORGIA

January 30, 2023

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:16-cv-03088-ELR

vs.

STATE OF GEORGIA,

Defendants.

VIDEOTAPED DEPOSITION OF

HALEY LIVINGSTON

January 30, 2023, 9:23 a.m.

Okefenokee RESA

1450 N. Augusta Avenue

Waycross, Georgia

Deborah K. Lingonis, RPR, CCR 2883

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Deposition of HALEY LIVINGSTON

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THE VIDEOGRAPHER: We are now on the video record. Today's date is January 30, 2023. The time is 9:22 a.m. Eastern Standard Time. This begins the video conference deposition of Haley Livingston in the matter of United States of America versus State of Georgia.

My name is Robert Pacheco. I am your videographer. Your court reporter today is going to be Ms. Deborah Lingonis, both representing Esquire Depositions Solutions.

Would counsel please introduce yourselves and your affiliation and the witness will be sworn in.

MS. ADAMS: Crystal Adams with the Department of Justice, United States.

MS. GARDNER: Kelly Gardner for the United States.

MR. NGUYEN: Hieu Nguyen on behalf of the witness.

MS. JOHNSON: And Melanie Johnson for the State of Georgia.

(Discussion off the record.)

THE VIDEOGRAPHER: We never went off the record.

MS. ADAMS: You can swear in the witness.

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HALEY LIVINGSTON,
having been produced and first duly sworn as a witness,
testified as follows:

EXAMINATION

BY MS. ADAMS:

Q. Good morning, Ms. Livingston.

A. Good morning.

Q. My name is Crystal Adams, and I represent the
United States. I will be taking your deposition today.

A. Okay.

Q. Would you please state and spell your full
name for the record.

A. My name is Haley Livingston, H-a-l-e-y
L-i-v-i-n-g-s-t-o-n.

Q. I will be asking you a series of questions.
You are under oath and must provide complete and honest
answers to the questions. The oath you just took is
the same oath you would take if you were testifying in
a court of law.

Do you understand?

A. Yes, ma'am.

Q. If you do not understand a question that I
ask, please let me know and I will try to rephrase the
question. Okay?

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1 A. Okay.

2 Q. If you are not sure of the answer or do not
3 have a complete answer, you should still answer the
4 question to the extent that you can. Okay?

5 A. Okay.

6 Q. As you can see, the court reporter is
7 recording all that is said here. Because she can only
8 record our words, please speak clearly and answer each
9 question with a verbal response.

10 For example, if you respond with uh-huh or by
11 shaking your head yes or no, the court reporter will
12 have trouble recording your answer.

13 A. Right.

14 Q. Also, to assist the court reporter in
15 capturing a complete and accurate record of our
16 conversation, we need to do our very best to avoid
17 talking over each other.

18 So I will do my best to try not to interrupt
19 you when you're answering, and I will ask you that you
20 do the best that you can to let me finish my complete
21 statement or question completely before starting to
22 answer. Okay?

23 A. Okay.

24 Q. At certain points today you may give an answer
25 as completely as you can. And then later on, it might

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1 be five minutes or some other amount of time, you may
2 remember some additional information in response to
3 that earlier question.

4 If that happens, just please let me know. And
5 then if you want to add something you said -- add to
6 something you said earlier, you will be able to share
7 and supplement.

8 A. Okay.

9 Q. Is there any reason you think that you will
10 not be able to answer my questions fully and truthfully
11 today?

12 A. I wouldn't think so.

13 Q. Am I correct that you are being represented by
14 Mr. Nguyen for purposes of your deposition today?

15 A. Yes, ma'am.

16 Q. If you need a break at any point, please tell
17 me or Mr. Nguyen. If you realize that you need a break
18 while you are in the midst of answering any question, I
19 will ask that you finish the answer to that question,
20 and then we will discuss when or if to take a break.
21 Okay?

22 A. Okay.

23 Q. Your attorney may occasionally object to my
24 questions. This is to put their objections and the
25 issue on the record. Unless your attorney tells you

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1 not to answer, you can answer my question. Okay?

2 A. Okay.

3 MS. ADAMS: And I will note for the record
4 that United States counsel for the witness and the
5 State of Georgia have agreed that all objections except
6 as to form and privilege will be reserved until trial.

7 MR. NGUYEN: That's acceptable.

8 MS. JOHNSON: Agreed.

9 BY MS. ADAMS:

10 Q. Do you have any questions before we get
11 started?

12 A. No, ma'am.

13 Q. Okay. Am I'm going to ask you a couple of
14 questions about your preparation for this deposition.
15 I want to make it clear that I am not going to ask you
16 to reveal the substance of any communications that you
17 have had with your attorney.

18 A. Okay.

19 Q. What did you do to prepare for this
20 deposition?

21 A. I just had a phone call with my lawyer just to
22 let me know that it was happening and the date and time
23 and things like that.

24 Q. Okay. And who was present for that phone
25 call?

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1 A. Just myself.

2 Q. And Mr. Nguyen?

3 A. Yes, ma'am.

4 Q. And was that the only time that you met?

5 A. Yes, ma'am.

6 Q. How long was that phone call?

7 A. I would say maybe 30 minutes.

8 Q. Okay. And did you speak with Mr. Nguyen at
9 any other time in preparation for the deposition?

10 A. No, ma'am. Not over the phone, no, ma'am.

11 Q. Did you meet with Mr. Nguyen in personal at
12 all?

13 A. No, ma'am.

14 Q. Did you speak to anyone else in preparation
15 for today's deposition?

16 A. I spoke with Dr. Jacobs, the RESA director, my
17 boss, just to inform him that I had been giving this,
18 you know, information and that this was happening. And
19 we also scheduled this room, and that was it.

20 Q. Did you speak with anyone else in preparation
21 for today?

22 A. No, ma'am.

23 Q. Did you review any documents in preparation
24 for today's deposition?

25 A. No, ma'am.

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1 Q. Did you review any deposition transcripts
2 prior to today?

3 A. No, ma'am.

4 Q. Did you bring any documents with you today?

5 A. No, ma'am.

6 Q. Did you do anything else at all to prepare for
7 today's deposition?

8 A. No, ma'am.

9 Q. Have you ever had your deposition taken?

10 A. No, ma'am.

11 Q. Have you ever been a plaintiff in a lawsuit?

12 A. No, ma'am.

13 Q. Have you ever been a defendant in a lawsuit?

14 A. No, ma'am.

15 MS. ADAMS: I ask that the court reporter mark
16 this document as Plaintiff's Exhibit 762.

17 (Plaintiff Exhibit 762 marked.)

18 BY MS. ADAMS:

19 Q. I want to note for the record that the
20 documents today are marked as government exhibits. The
21 government is the Plaintiff in this case, so I will
22 refer to them as Plaintiff's exhibit and the
23 corresponding number.

24 You have been handed Exhibit 762. You can
25 take a moment to review the document and please let me

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1 know when you're finished.

2 (Witness reviewing document.)

3 THE WITNESS: Okay.

4 BY MS. ADAMS:

5 Q. This is a subpoena to testify at a deposition
6 in a civil action. The subpoena is directed to Haley
7 Livingston, correct?

8 A. Yes, ma'am.

9 Q. Have you seen this document before today?

10 A. No, ma'am.

11 Q. Are you here today because of this document?

12 A. Yes, ma'am.

13 Q. Does the top of this document have the case
14 name United States v. Georgia?

15 A. Yes, ma'am.

16 Q. Do you understand that deposition is being
17 taken in connection with litigation against the State
18 of Georgia relating to the Georgia Network for
19 Educational and Therapeutic Support program?

20 A. Yes.

21 Q. Are you aware that this program is commonly
22 referred to as the GNETS program?

23 A. Yes, ma'am.

24 Q. So if I use the term GNETS, you understand
25 that I'm referring to the Georgia Network for

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1 Educational and Therapeutic Support program?

2 A. Yes.

3 Q. When did you first learn about the GNETS
4 program?

5 A. Probably -- well, not probably. The first
6 year I started working at GNETS.

7 Q. And when --

8 A. I'm sorry. That was the '16/'17, school
9 year.

10 Q. Who told you about GNETS?

11 A. The litigation?

12 Q. Yes, I'm sorry.

13 A. Well, I heard -- actually, I heard my staff
14 talking about it. And then I went to the then
15 current -- or the director then, and I just asked her,
16 you know, because that was my first year hired on.

17 So I just asked her, you know, what is this
18 about, and basically she -- it was vague. She just
19 said I think there's a lawsuit. Maybe -- I think she
20 might have even said from some parents. And I think
21 that's all she said because it was very vague. Like, I
22 had no details at all.

23 Q. Who was that director?

24 A. Aubrey Rossignol.

25 Q. What is your understanding of what this

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1 lawsuit is about?

2 A. I just -- my understanding is I would say that
3 it's kind of cloudy because you hear all kinds of, you
4 know, different perceptions of it. But I've never
5 talked to anyone involved with it directly.

6 So I guess everything that I would know about
7 it would be hearsay other than the Department of
8 Justice and the State of Georgia and Georgia Education
9 being involved, I mean, about the GNETS centers, well,
10 centers but GNETS.

11 Q. When did you first become familiar with the
12 GNETS program?

13 A. Probably two years before I came. I worked
14 for Ware County schools, so we always knew that it was
15 there, but I didn't really learn, you know, what they
16 did. Sometimes it's confused as an alternative school
17 in our county, although it's not, but people confuse it
18 that way.

19 So I think maybe two years prior to coming to
20 work at Harrell Learning Center GNETS is when I knew
21 that it was a therapeutic environment for students.

22 Q. What is your understanding of the purpose of
23 the GNETS program?

24 A. The purpose is to provide a therapeutic
25 environment for students and to also take care of the

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1 academic needs for those students who require more
2 intensive, like one-on-one time and counseling and
3 just, like a slower-pace setting and smaller setting.

4 Q. Has the purpose of the program changed in any
5 way over time?

6 A. I don't think so. Not in my experience, no.

7 Q. I may be using some acronyms today for
8 brevity. I will explain a few of them now to make sure
9 that we're on the same page.

10 The first is Georgia DOE or GADOE. When I say
11 Georgia DOE or GADOE will you understand that I'm
12 referring to Georgia Department of Education?

13 A. Yes.

14 Q. When I say DBHDD, will you understand that I'm
15 referring to the Georgia Department of Behavioral
16 Health and Developmental Disabilities?

17 A. Yes.

18 Q. When I say DCH, will you understand that I'm
19 referring to Georgia Department of Community Health?

20 A. Yes.

21 Q. When I say LEA, will you understand that I'm
22 referring to Local Education Agency?

23 A. Yes.

24 Q. When I say RESA, will you understand that I'm
25 referring to Regional Educational Service Agency?

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1 A. Yes.

2 Q. When I say GNETS centers, will you understand
3 that I'm referring to stand-alone GNETS locations?

4 A. Yes.

5 Q. When I say GNETS school-based locations, will
6 you understand that I'm referring to GNETS locations
7 that are based in general education settings?

8 A. Yes, ma'am.

9 Q. When I say PBIS, will you understand that I'm
10 referring to Positive Behavioral Interventions and
11 Supports?

12 A. Yes.

13 Q. When I say EBD, will you understand that I'm
14 referring to Emotional and Behavioral Disabilities?

15 A. Yes.

16 Q. When I say general education settings, will
17 you understand that I'm referring to public schools in
18 Georgia where children with EBD and other behavioral
19 health conditions receive instruction and services
20 alongside children who do not have disabilities?

21 A. Yes.

22 Q. In the course of this lawsuit, did the Harrell
23 GNETS program receive a subpoena from the United States
24 requiring it to provide certain documents about a GNETS
25 program?

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1 A. Yes.

2 Q. Did Harrell GNETS prepare a response to the
3 subpoena?

4 A. Yes.

5 Q. Who was primarily in charge of that effort?

6 A. Myself and my assistant director.

7 Q. Who is your assistant director?

8 A. Tammy Gardner.

9 Q. Did you review each response?

10 A. What do you mean?

11 Q. When you and your assistant director were
12 preparing the response to the subpoena for documents,
13 did you review all of the documents that were prepared
14 in response?

15 A. Yes, ma'am.

16 MS. ADAMS: I'm going to ask the court
17 reporter to mark this next document as Plaintiff's
18 Exhibit 763.

19 (Plaintiff Exhibit 763 marked.)

20 BY MS. ADAMS:

21 Q. You have been handed Exhibit 763. This is a
22 copy of your resume that we received from your
23 attorney.

24 A. Yes, ma'am.

25 Q. Do you recognize this document?

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1 A. Yes.

2 Q. What is the highest level of education that
3 you have obtained?

4 A. An Education Specialist Degree.

5 Q. Where did you receive that degree?

6 A. Valdosta State University.

7 Q. When did you receive that degree?

8 A. 2012.

9 Q. Did your degree have a focus or specialty?

10 A. It was in curriculum instruction.

11 Q. Do you have any other graduate or professional
12 degrees?

13 A. I have a master's degree. It's in
14 Interrelated Special Education and General Education.

15 Q. And where did you receive that degree?

16 A. Valdosta State.

17 Q. What year did you receive that degree?

18 A. 2007.

19 Q. Your resume notes that you attended both
20 Valdosta State and Waycross College, correct?

21 A. Yes, ma'am.

22 Q. What degree did you obtain from Valdosta
23 State?

24 A. I went to the campus, Waycross College, but it
25 was a program through Valdosta State. They were coming

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1 to that campus, so I got my bachelor's and master's.
2 It was like a one-program kind of thing just on their
3 campus. But I did get an associate's degree through
4 Waycross College.

5 Q. Okay. And what field was that bachelor's
6 degree in?

7 A. Interrelated Special Education and General
8 Education.

9 Q. What year did you obtain that degree?

10 A. The bachelor's in 2006 and then the master's
11 was in '07.

12 Q. What focus was the associate's degree in?

13 A. Associates of Science degree.

14 Q. Are you currently pursuing any other
15 degrees?

16 A. I am.

17 Q. Which --

18 A. I'm currently working on my doctorate.
19 Sorry.

20 Q. That's okay. Thank you.

21 A. And leadership.

22 Q. Where are you pursuing that degree?

23 A. Valdosta State. They can't get rid of me.

24 Q. And are you writing a dissertation for that?

25 A. Yes, ma'am.

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1 Q. What is your dissertation topic?

2 A. It is on emotional intelligence and whether it
3 correlates with teacher-student relationship quality.

4 Q. Does your dissertation have anything to do
5 with the GNETS program at all?

6 A. No, ma'am.

7 Q. Your resume notes that you have obtained an
8 ABD completion. What does ABD mean?

9 A. It's All But Dissertation. Like, I finished
10 the courses that were associated with my program, and
11 now I'm just having to propose my study and move
12 forward with the dissertation part.

13 Q. So you have finished your courses for the
14 doctorate and leadership that you're pursuing?

15 A. Yes, ma'am.

16 Q. Do you have any professional licenses?

17 A. Just I have my Georgia Educator Certificate.

18 Q. Do you have to renew that license or keep it
19 current in any way?

20 A. Yes, ma'am.

21 Q. Is it currently active?

22 A. Yes, ma'am. It's current through '27, I
23 believe.

24 Q. Do you have any professional certificates?

25 A. I have -- yes, I have a Gifted Endorsement. I

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1 have a behavioral specialist certification. That's not
2 a degree. It's a different degree. And then I have a
3 Reading Endorsement, like elementary, and then, of
4 course, my leadership.

5 My sixth year does not have the leadership
6 part of it, so when I became or when I looked into
7 getting into an administrator role, I had to have that
8 Tier 2 certification. So I added that on in '17.

9 Q. So you say you have a Gifted Endorsement. Can
10 you tell me more about what that is?

11 A. That just means that I can teach gifted
12 courses if I were, like, a teacher, you know. And then
13 I also teach the Gifted Endorsement course here at RESA
14 for the four adults.

15 Q. What is the purpose of that class?

16 A. It's the actual Gifted Endorsement that I
17 received. I'm actually teaching it to other
18 professionals so they can get -- well, I actually teach
19 one class. There's three classes. I teach one of the
20 assessment course that allows them to get their
21 certification.

22 Q. And you also have a reading endorsement. Can
23 you also tell me what that means?

24 A. That endorsement was -- I think it kind of
25 centered around elementary ed -- I mean elementary-age

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1 kids on teaching them how to read. It's breaking down,
2 you know, the phonics, and phonological awareness for
3 teaching young children how to read who may be
4 struggling.

5 Q. Is that endorsement something that you have to
6 renew or keep active in any way?

7 A. No, ma'am.

8 Q. Is the Gifted Endorsement something you have
9 to renew or keep active?

10 A. No, ma'am.

11 Q. You mentioned that you have a behavioral
12 specialist certification. Can you tell me more about
13 what that means?

14 A. That was -- it's been a while, but it was
15 basically just a module, series of modules, that you
16 complete to just learn how to better deal with
17 behavior, with students who have behavior issues.

18 From what I can remember, it gave you, like,
19 strategies to use, specific strategies on specific
20 types of behaviors and things like that.

21 Q. Are there any particular behaviors that the
22 certification focused on?

23 A. Not that I'm aware of, no. I think just in
24 general.

25 Q. Okay. Is that certification something that

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1 you have to review or keep up with?

2 A. No, ma'am.

3 Q. And you mentioned the leadership Tier 2
4 certification that you received in 2017.

5 A. Uh-huh.

6 Q. Can you tell me more about what that
7 certification is about?

8 A. That's just where you're able to be an
9 administrator. You have to have that part of it.
10 Like, my sixth year I didn't have a leadership degree,
11 so it was in curriculum instruction. So that part
12 allowed me to be an administrator in a building
13 overseeing other teachers, other educators.

14 Q. Do you have any other credentials relevant to
15 your work in the GNETS program?

16 A. No, ma'am. Other than experience but no other
17 like certification.

18 Q. What other type of experience are you
19 referencing there?

20 A. Just all of my educational years have been in
21 special ed, and I've worked a lot with the students
22 with behavioral needs over the years.

23 Q. Are you currently employed at the Harrell
24 GNETS program?

25 A. Yes, ma'am.

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1 Q. What is your current job title?

2 A. Director.

3 Q. Am I correct, according to your resume, you
4 have been director since 2017?

5 A. Yes, ma'am.

6 Q. Have you served in that role full time since
7 then?

8 A. Yes, ma'am.

9 Q. What are your job responsibilities?

10 A. I wear many hats. But in the building in more
11 of a principal role, keeping the day-to-day, you know,
12 everything running day to day. Managing staff,
13 students, scheduling.

14 In our building we -- it's different than a
15 big school system where you have a person who handles,
16 you know, different things. So I've been anywhere from
17 like graduation coach. I create the master schedule.
18 I evaluate staff. I talk with kids who, you know, are
19 having issues at the time and they want to talk to me
20 or I have to intervene with a problem.

21 I work with parents. I review IEPs. I'm a
22 mentor with my teachers. Like, new teachers, I mentor
23 them on how to write IEPs or facilitate writing lesson
24 plans and things like that, checking over to make sure
25 they're using the Georgia performance standards.

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1 Q. Your resume notes that in 2022 you became
2 director of two different sites for Harrell, the
3 Waycross and the Camden sites. Correct?

4 A. Yes.

5 Q. Can you tell me more about why this Camden
6 site was added to the Harrell program?

7 A. I believe the reason -- Camden county became a
8 part of our RESA, of OK RESA. They were originally in
9 First District RESA, but then they decided -- I'm not
10 sure why -- but they decided to move and have their
11 school number up under OK RESA, Okefenokee RESA.

12 And I don't want to say many years because I
13 don't really know that. I'm thinking it was a couple
14 of years, maybe one or two years, that they were under
15 our RESA but the GNETS site was not under our RESA. So
16 it was under First District with Coastal GNETS.

17 And last year they decided -- I guess Coastal
18 and Camden decided together that they wanted the GNETS
19 site to be up under OK RESA also. And that's all I
20 know.

21 Q. Is the Waycross site a GNETS center? A
22 stand-alone site?

23 A. Yes, ma'am.

24 Q. Is the Camden site a stand-alone center?

25 A. Yes.

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1 Q. Your resume notes that one of your
2 responsibilities includes assessing teaching methods.
3 What does that involve?

4 A. That involves observing teachers actually
5 teaching in the classroom and completing their TKES
6 evaluation. TKES evaluation is our Teacher Keys
7 Effectiveness System. I always get the acronyms mixed
8 up. That's what we use to evaluate teachers.

9 So I observe teachers and evaluate them, and
10 then we meet together and collaborate on any weaknesses
11 or I provide tips for improvement or, hey, good job, a
12 pat-on-the-back kind of things.

13 Q. Does anyone else evaluate teachers besides
14 you?

15 A. Yes. The assistant director.

16 Q. Anyone else?

17 A. That is all.

18 Q. Your resume notes that one of your
19 responsibilities includes revising policies and
20 procedures. Do you coordinate with anyone else to
21 perform those duties?

22 A. I work with my administrative team within my
23 building if it's something within our building. If
24 it's something that I think I need to collaborate with
25 or that I don't feel comfortable just my team handling,

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1 then I will reach out to Dr. Jacobs. That's my boss,
2 Dr. Jacobs, who is the RESA director. So I collab with
3 him.

4 Q. Do you coordinate with anyone else when you
5 are revising policies and procedures?

6 A. I also collaborate with the special ed
7 directors of the eight counties that I serve. It just
8 depends on what it is, what the topic is. Yes.

9 I want to go back to a question you asked
10 because you brought up the Camden site. Up until this
11 year, it was only myself and Ms. Gardner, the assistant
12 director that evaluates teachers.

13 But this year the site coordinator at the
14 Camden site, now he will too. He just started actually
15 this month because he had to, you know, make sure he
16 was credentialed and all that. So he will actually do
17 that the rest of this year. I don't know if that's
18 relevant or not.

19 Q. It is. Thank you.

20 A. I just wanted to be clear.

21 Q. Thank you. What is that site coordinator's
22 name?

23 A. Joe Allen. Joseph Allen, I'm sorry.

24 Q. Do you also have a staff coordinator at the
25 Waycross site?

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1 A. Huh-uh. No, I'm sorry.

2 Q. Going back to my questions about revising
3 policies and procedures, do you receive approval or are
4 you required to receive approval from anyone before you
5 revise policies and procedures?

6 A. I would say -- I would say no unless it's
7 something that will impact, you know, like
8 transportation or things that are up under the
9 counties.

10 You know, I can't make up some rule that
11 changes like transportation for a child or I don't --
12 we typically like to stay along the lines of -- I mean,
13 I align ourselves with how the LEAs that we serve do
14 things as far as discipline and things like that.

15 So I would say I only really make revisions
16 within my building like how we do our day-to-day
17 things. If it's anything more or bigger than that then
18 I would reach out, you know, to SPED directors, special
19 ed directors or Dr. Jacobs, my director.

20 Q. Your resume also notes that one of your
21 responsibilities includes serving as graduation coach.
22 Can you tell me more about what that means?

23 A. I keep up with -- we have high school. We
24 serve K through 12, so I have high-schoolers. And I
25 keep up with their transcripts, the courses that they

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1 are scheduled, and I keep up with the courses that
2 they've received credit for.

3 If for some reason, you know, they did not
4 receive credit, I have to make sure that we go back and
5 do credit recovery or that they take something
6 comparable, and then just really tracking those
7 students through all four years to make sure that they
8 have the courses that they need to graduate and that
9 they're, you know, accomplishing those things,
10 whatever.

11 Q. Does any other Harrell staff member serve as
12 graduation coaches?

13 A. No. I'm primarily that role.

14 Q. Your resume also notes that one of your
15 responsibilities includes serving as administrative
16 representative with the crisis response team. What is
17 the crisis response team?

18 A. That is our in-house behavior team. So we
19 meet and discuss children. Well, we meet regularly,
20 but that's the team that comes together to
21 troubleshoot, like if a child is having an issue or
22 they are having an academic or behavioral issue, we
23 meet together.

24 Our team meets together to try to make a plan
25 for that student to get them back on track for success

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1 or to try to just look at all possible issues going on
2 to try to make a better plan for them.

3 Q. Is there one crisis response team for both
4 Waycross and Camden sites?

5 A. No. There's two separate.

6 Q. There's two?

7 A. I mean, I would be -- we haven't really had
8 that -- anything major come up yet. But I would be the
9 administrator on his team, but it would be his
10 building, his teachers for that.

11 Like, the site coordinator would lead it, but
12 I would be included. But my people from the Waycross
13 site would not necessarily be included unless, you
14 know, it was assistant director or my Waycross behavior
15 specialist if needed.

16 But there's a counselor there, there's
17 teachers there, paras there that they're for their own
18 time.

19 Q. And, for the record, when you're talking about
20 the site coordinator, you're talking about the site
21 coordinator for the Camden site, Mr. Allen?

22 A. Yes, yes.

23 Q. Your resume also notes that one of your
24 responsibilities includes serving as OK RESA
25 collaborative community member. What is OK RESA?

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1 A. Okefenokee RESA.

2 Q. And what is the purpose of the OK RESA?

3 A. That is this building, but OK RESA facilitates
4 teachers -- or supports teachers, educators. Well,
5 actually it supports the school system, our eight
6 counties. It supports them academically,
7 instructional-wise, the labor-by-professional learning
8 for teachers.

9 But now the collaborative what you're asking,
10 right, is what that is. That's the special ed
11 directors' team. So all of the special ed directors
12 from the counties meet together, and I'm a part of that
13 meeting.

14 Q. How often do those meetings occur?

15 A. Usually once a month unless something happens.
16 I know whenever COVID was really hot and heavy, you
17 know, we might have skipped a month or we do it
18 virtually, but pretty much monthly.

19 Q. Does anyone else attend those meetings besides
20 the special ed directors and yourself?

21 A. We have Coastal Pines representatives. We
22 have -- is it GVRA? I always get those acronyms mixed
23 up. Georgia Advocacy Agency Representative. And then
24 just guest speakers.

25 We might have someone from, you know, I can't

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1 remember it. TeachTown, you know, the educational-type
2 agencies. They might come in and try to tell us about
3 their product and see if any of the directors are
4 interested in, you know, buying their online platform
5 or something like that.

6 But predominantly it's the special ed
7 directors and myself and GLRS. I'm sorry, GLRS
8 actually leads that.

9 Q. What is GLRS?

10 A. Oh, gosh. I have to look that one up. I
11 cannot think right now what those -- what the letters
12 stand for.

13 Q. That's okay.

14 A. It will come to me in a minute, I'm sure.

15 Q. What is their role?

16 A. They are -- they're on the special ed side of
17 things. Like, they support systems on the special ed
18 end, so their target is special ed kids and staff.

19 They provide new teacher orientation, new
20 teacher mentoring academy but for special ed teachers,
21 if that makes sense. I can't believe I can't think of
22 what that stands for.

23 Q. That's okay.

24 A. They'll be, like, you're fired. You don't
25 know that.

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1 Q. And in these meetings that you have as the
2 collaborative, what is the purpose of those meetings?

3 A. Just to bring all the special ed directors
4 together on the things that they have to complete. It
5 kind of creates a forum for them. And then I'm
6 included because those are my immediate contacts in the
7 counties. That's who I collaborate with the most.

8 And then I give them an update of what goes on
9 at HLC monthly, shout-outs, you know, brags, or we come
10 together like if I'm having some sort of issue. You
11 know, like if we had a transportation issue, I would
12 talk about that with them or I might give them like
13 reminders like, okay, y'all don't forget on Friday
14 we're having early release. You know, things like
15 that.

16 Q. You said that one of the things that you
17 discussed during these meetings is talking about the
18 things that the special ed directors have to complete.

19 A. Uh-huh.

20 Q. Can you tell me more about examples of what
21 kinds of things those are?

22 A. I'm sorry, I didn't mean to interrupt you. I
23 know they've discussed like their timelines. You know,
24 they'll say don't forget that this is due at such and
25 such date.

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1 A lot of things that I don't have anything to
2 do with, you know, honestly. I don't have to complete
3 those same kinds of things like their budget and things
4 like that.

5 And then we'll talk about IEP writing and
6 whenever, you know, certain counties had the
7 Cross-Functional Monitoring, those type things, that
8 they want like reminders and things like that.

9 Like I said, some of the conversations I'm not
10 even sure of the details or what that means because I
11 don't do that specific job. But they include me so
12 that we're all on the same page as far as our GNETS
13 kids go.

14 Q. You also said that during the meetings that
15 you have in the collaborative, you will provide updates
16 about what's going on and sometimes raise certain
17 issues that are happening at Harrell.

18 Can you tell me more about examples of the
19 kinds of issues that you might talk about?

20 A. I know at one time, early on when I first
21 started, an example would be like if I needed textbooks
22 or if I needed some -- a subscription to, like, online,
23 I know at one time -- I'm trying to think of what the
24 program was now. It's because I'm having to think
25 about it I'm losing everything.

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1 Anyway, it was an online program that would
2 help our kids, help our teachers and our kids. The
3 name has left me right now. But I just mentioned that
4 we would like to have that. And then the directors
5 were like, okay, we can make that happen, you know.

6 I know I've also talked about our sensory room
7 was a big need. My dream sensory room that I wanted
8 those kids to have, you know, I would mention some
9 things. And then the directors, as they could, would
10 let me know, hey, I'll get with you about that later.
11 I can probably help in that area.

12 So then we'd have a separate conversation
13 about one of the counties helping me purchasing items
14 for the sensory room, things like that. It's like,
15 hey, we have this need, you know, can y'all help us.
16 And ours have been great, our RESA district
17 coordinators -- SPED directors are awesome.

18 Q. You mentioned that Coastal Pines usually
19 attends the collaborative meetings. What is Coastal
20 Pines?

21 A. It's the technical college here in Waycross.
22 I mean, there are other places, too, but usually a
23 representative from there attends.

24 Q. You also mentioned that you weren't sure about
25 the acronym GVRA or Georgia Advocacy attends the

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1 collaborative meetings. Who are they?

2 A. That's Georgia Vocational Rehab. They work
3 with students, high school students, on their
4 transition plans for, you know, college or I believe
5 for even jobs. I'm not sure about that.

6 But I believe that they work with them for --
7 I know that they work with them to plan for what
8 they're going to do after high school and provide
9 support any way they can.

10 Q. Do any GNETS students work with them?

11 A. Yes.

12 Q. Your resume notes that one of your
13 responsibilities includes serving as PBIS team leader.
14 What is PBIS?

15 A. Positive Behavior Intervention System or
16 Supports. I always get the two mixed up. But it's a
17 positive intervention reward system basically, but
18 there's also a curriculum.

19 And we have expectations like they're
20 responsible, respectful, and in control. That's our
21 three target things. And then it's a school-wide
22 reward system. I know I'm kind of rambling, I'm sorry.

23 Q. What does your role as team leader involve?

24 A. I lead conversations and generate reports. We
25 have a student -- let's see. We have like improvement

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1 reports. Like our staff, they take surveys on how we
2 can improve the system. We talk to our students on how
3 we can improve our system. They have input for, like,
4 rewards and things like that.

5 So I basically am kind of like just the
6 coordinator of all those loose ends, bringing the other
7 adults in the building to the table and then we plan
8 out like celebrations. We plan out target areas like
9 if we're having a lot of maybe behaviors, negative
10 behaviors in the elementary. What can we do to adjust
11 things or to turn that around.

12 Or if we're having like phenomenal behavior
13 like in our middle school group, you know, what we can
14 do to reward those for that, those children and
15 teachers for that behavior.

16 Q. Your resume also notes that you serve as
17 professional learning trainer for OK RESA LEAs. What
18 does that involve?

19 A. That was when I was telling about the Gifted
20 Endorsement. I teach Gifted Endorsement, a gift
21 endorsement course, and then I've also taught a special
22 education support course for Georgia TAPP teachers.

23 Q. What is Georgia TAPP?

24 A. It's the program where individuals can come
25 with like if they already have a four-year degree maybe

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1 like in accounting or something, they can turn that
2 degree, that four-year degree into a teaching degree
3 through their program -- through the program like a
4 teacher program for someone who already has a four-year
5 degree.

6 Q. Your resume also notes that you serve as an OK
7 RESA administrative team member. What does that
8 involve?

9 A. Whenever we come together -- we come together
10 like to make improvements or we talk about the
11 endorsement programs and things like that, how we can
12 make them better. I'm a part of that team.

13 I'm sure it's because I'm one of the
14 facilitators of the course, but I meet with other
15 course facilitators, and we come together to discuss
16 how we can improve those programs or classes.

17 Q. Your resume states that you began serving in
18 your current role in 2017 and prior to that you were
19 the interim director of Harrell GNETS for two months.

20 A. Uh-huh. Yes, sorry.

21 Q. Were your responsibilities as interim director
22 any different than the ones that we were just
23 discussing for your current role?

24 A. No, ma'am.

25 Q. Before serving as an interim director at

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1 Harrell GNETS, you were an assistant administrator at
2 Harrell?

3 A. Yes.

4 Q. And you served in that role from 2016 to
5 2017?

6 A. Yes.

7 Q. What were your responsibilities in that
8 role?

9 A. A lot. A lot of hats. But I was the testing
10 coordinator. I was the instructional coach. I
11 still -- I did the master schedule. I was still in the
12 same role with the graduation coach.

13 And I would also go in and observe teachers
14 and give them feedback on their instruction. I would
15 also -- there in that role also, I met with children as
16 needed, you know.

17 And that was during the same year. Like, that
18 was one year. But the director at that time she got --
19 I think she was sick on two occasions. So that was --
20 I had to, you know, I was interim director when she was
21 gone for about a month. And then the other time she
22 was gone again for about a month. That's what that
23 meant.

24 Q. So the two months that you served as interim
25 director were not consecutive two months?

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1 A. Correct.

2 Q. One of your responsibilities as assistant
3 administrator was serving as curriculum specialist?

4 A. Uh-huh.

5 Q. What did that involve?

6 A. Again, that was making sure that teachers had
7 the materials they needed, they knew where to access
8 their standards, resources for teaching the standards.
9 We wanted them -- I shouldn't say that in past tense.
10 We want them to teach at the grade-level rigor.

11 And so my job then, and somewhat now too is
12 just to make sure that they have all the resources they
13 need. And if there's instructional strategies, they
14 are doing what they're supposed to be doing in, you
15 know, giving the students the level of academics that
16 they deserve.

17 And I would also support new teachers in
18 writing lesson plans because they have lesson plans
19 that, you know, they have to submit their plan for the
20 week. I would also help them with that.

21 Q. You also served as instructional coach in this
22 role. What did that involve?

23 A. Well, probably what I just described more so
24 is pulling teachers and working with them on writing
25 lesson plans, and just trying to show them how to

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1 connect assessment and instruction and things like that
2 and then pulling resources or showing them where the
3 resources are online, things like that.

4 Q. You also served as supplemental programs
5 coordinator for LAMBS. What was that role?

6 A. Those are just the programs that we have come
7 in. LAMBS, they're a church network in our area that
8 provides food for students that are less fortunate.

9 And so we had to coordinate with the churches
10 for pick up and what students needed, what kind of
11 things. And the other thing was Help a Child Smile.
12 That's the dental van that comes once or twice a year.

13 And it was going around to our schools around
14 town. And we knew from working in the school system
15 that they were getting that. So we wanted to make sure
16 whenever I came on as director in '17, I believe we've
17 had them every year, but I wanted that to be added to
18 our kids too.

19 Q. You also served as teacher/staff evaluator.
20 How was that role different from what you do in
21 evaluating teachers now in your current role?

22 A. There's no difference. I still evaluate
23 teachers and paraprofessionals as director.

24 Q. Is anyone currently serving as assistant
25 administrator at Harrell now?

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1 A. Yes.

2 Q. Who is that?

3 A. Tammy Gardner.

4 Q. I see. So --

5 A. And she does that. We share that role. She
6 also does evaluation of staff. She also pulls them and
7 works with them on their lesson plans and things like
8 that.

9 Q. Okay. I recall that earlier you referred to
10 her in a slightly different title. I think it was
11 assistant director?

12 A. Assistant director, yes.

13 Q. So is her official title an assistant director
14 or assistant administrator?

15 A. It's assistant director. Her title is
16 assistant director. My title when I became -- when I
17 was hired was assistant administrator. So whenever I
18 became director that next year, the '17 year, we
19 changed it to assistant director. But it was the same
20 role, if that makes sense.

21 Q. When you were serving as assistant
22 administrator you also were a Georgia TAPP mentor?

23 A. Yes.

24 Q. And I'm trying to remember. I think we might
25 have already said what TAPP was, but can you just

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1 remind me. Oh, I'm sorry, so Georgia TAPP is the
2 program where folks convert their four-year degrees
3 into a teaching degree?

4 A. Yes, ma'am. Yes.

5 Q. You also served as therapeutic sessions
6 provider. What did that involve?

7 A. That would be when students came in, like if
8 they were in the middle of like an emotional state,
9 meltdown. I know that's not professional language.
10 But when they're in the middle of an issue, they want
11 to speak sometimes with certain people, someone they
12 have a rapport with.

13 So those students would come in, and I would
14 be basically the one that they talked to through their
15 problem. And we would get them past the problem and
16 figure out, you know, what initiated it, you know, what
17 happened, and just get the child's perspective.

18 And then the purpose is to just get them
19 through that issue so that they can get back to class
20 and don't miss instruction.

21 Q. Who currently serves in that role now at
22 Harrell?

23 A. Really, any of our staff can do that, but
24 primarily because that depends on the rapport, whoever
25 the student has the most rapport with at most times.

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1 But primarily it is the behavior specialist,
2 and we also have an LCSW. So those two gentlemen are
3 primarily in those roles -- that role, I'm sorry.

4 Q. Prior to serving as assistant administrator,
5 you were a special education coordinator and inclusion
6 teacher?

7 A. Yes.

8 Q. And you served in those roles from 2007 to
9 2016?

10 A. Yes.

11 Q. Where did you work when you were a special
12 education coordinator?

13 A. I worked for Ware County Schools.

14 Q. Did you work at specific schools?

15 A. I worked at an elementary school, yes.

16 Q. Which elementary?

17 A. Ruskin Elementary.

18 Q. What were your responsibilities as special
19 education coordinator?

20 A. I was responsible for overseeing like the
21 special education services in their IEPs. For example,
22 like if there was speech listed, I had to make sure
23 they were getting their speech services.

24 I did the master schedule there also. I
25 scheduled students to make sure that their hours --

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1 they were scheduled in the hours per their IEP. I
2 scheduled teachers -- well, that kind of goes together,
3 but make sure that they were aligning with that.

4 And I checked IEPs for like accommodations,
5 make sure that, you know, once we wrote an IEP and we
6 want to move from draft to finalizing that everything
7 was the way it should have been from the meeting.

8 I worked closely with parents in that role. I
9 worked with -- I mentored teachers in that role. I did
10 co-teaching walk-throughs. I was a co-teacher also, so
11 coordinator and co-teacher was at the same time.

12 But I would do co-teaching walk-throughs and
13 provide input on kind of what are y'all doing great,
14 where are your needs areas, and helping those
15 relationships build between -- special ed and Gen Ed
16 teachers.

17 I was a member of the school improvement plan.
18 I was actually the behavior representative on the PBIS
19 team in that role. And then I was also on like the
20 interview committee when we hired new teachers and
21 especially if they were going to be in the SPED
22 department.

23 But I think I was, or I know I was, on several
24 Gen Ed interviews also. And then my last year that I
25 was there, I was the self-contained EBD class teacher.

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1 Q. What is the school improvement plan?

2 A. Your school improvement plan -- each school
3 has a school improvement plan. This is what is your
4 plan for making your school better.

5 You know, your team identifies weak areas or
6 needs improvement areas. It can be anything. And the
7 team comes together to come up with a plan to improve
8 those areas, and I was a part of that team.

9 Q. And you said that you were the teacher of the
10 self-contained EBD class for one year?

11 A. Yes, ma'am.

12 Q. When you were serving as special education
13 coordinator, did you ever work on anything related to
14 GNETS?

15 A. I did when I was in that self-contained
16 behavior class that very last year I was there. I just
17 collaborated with the then-director.

18 We had some issues in my class with a student,
19 and she came over to provide like support, like let
20 someone else with fresh eyes come look and see how we
21 can remedy the problems, you know, or help the student
22 be more successful.

23 But that was the extent of it. I don't even
24 think the student -- if I recall correctly, the student
25 never even went there. I finished the year out with

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1 him.

2 Q. When you say that you collaborated with the
3 director and she came over to provide support, are you
4 referring to the person who was serving as director of
5 Harrell GNETS at the time?

6 A. Yes, ma'am.

7 Q. And when you say that she came over to provide
8 support, what kind of support did she provide?

9 A. That's sort of similar to what we do now
10 still. A county can request additional behavioral
11 support if what they're doing in the system is not
12 working, or it seems to not work, or the teacher, like
13 I felt I've tried everything. What can I do next, kind
14 of thing.

15 That person, the director or whatever staff,
16 it just happened to be her with me, that year she came
17 over and observed and watched the student -- well, all
18 students, just how he interacted with everybody and me.

19 And then we met after her observation and
20 basically gave me tips or, you know, what she observed
21 and then maybe how I could do something better. Or,
22 you know, what I was doing right, like don't stop doing
23 those kinds of things but then maybe try this.

24 Q. Did a student in your self-contained EDD class
25 transition to GNETS while you were there?

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1 A. No, ma'am.

2 Q. You mentioned that prior to the director
3 coming to observe that class you felt like you had
4 tried everything.

5 Can you tell me a little bit more about what
6 you had tried and whether you felt like you received
7 all the resources that you needed?

8 A. I don't remember the details specifically.
9 But, I mean, I remember feeling like I had support from
10 my school. I had support from my administrators, and I
11 had support from, like, my teacher team that I
12 collaborated with, my peers, my colleagues. And I even
13 had -- I felt like I had parental support to the best
14 that they could do, you know, involvement.

15 But I still felt like I wasn't, you know,
16 reaching -- or the behaviors really I was putting it on
17 me. But I felt like his behaviors were not changing
18 like I thought, and I wanted to be sure was I missing
19 something, you know, is it me, something that I don't
20 know even with all my experience, you know.

21 I just wanted to basically check with somebody
22 else, you know, to do what's best for him. But I don't
23 remember the details anymore. I just remember it got
24 really difficult. I'd go home crying about it, you
25 know, stress about it, and I just needed to reach out.

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1 And that's all I remember.

2 Q. You also note in your resume that you served
3 as an inclusion teacher. Is that a separate role from
4 what we've been talking about?

5 That is a co-teacher, so it's a separate role
6 but it was like during the day like a certain -- I
7 don't remember, but I'm just making up something. But
8 maybe from like 7:30 in the morning until lunch I would
9 be doing co-teaching hours with kids in classrooms with
10 my partner teacher.

11 And then it might be like at, you know, 1:30 I
12 would come out because I wasn't scheduled to any
13 students for their IEP. And when I wasn't scheduled
14 for students for their IEP, after that I would go out
15 and serve as coordinator, like managerial kind of
16 things, making sure -- checking paperwork. And that's
17 when I would do my work, my walk-throughs for
18 co-teachers.

19 Q. You served as special education coordinator
20 and inclusion teacher throughout the entire time of
21 2007 to 2016?

22 A. Oh, well, actually, no. My first year I did
23 not. I was not coordinator my first year, I'm sorry.
24 I started that my second year. I need to change that
25 on there. But, yes, the majority of my years I was the

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1 coordinator.

2 Q. When you were serving in a co-teaching role,
3 what kinds of classes were you co-teaching?

4 A. I co-taught -- I actually co-taught all
5 subjects K through 5 over the course of my career, but
6 I predominantly taught math all those years. And for
7 the most part, it was second through fifth grade math.
8 That was the majority, but I taught everything.

9 Q. Do you know if any of the students who you
10 taught as co-teacher ever transitioned to GNETS?

11 A. I have a student in my building now that was
12 in my self-contained class, not co-teaching.

13 Q. Was that the same student who you mentioned
14 earlier that the director came and observed?

15 A. No.

16 Q. How long has the student that you just
17 mentioned from your self-contained class who is now at
18 Harrell, how long has that student been at Harrell?

19 A. I know since middle school. He is a
20 high-schooler now. He did not come from the class.
21 Like, we didn't send him to GNETS in elementary school.
22 I lost track of him for a while. He left.

23 Q. So he transferred to GNETS sometime when he
24 was in middle school and he's currently in high
25 school?

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1 A. Yeah, I believe so, uh-huh.

2 Q. You mentioned that you were the behavioral
3 specialist for the PBIS team. Can you tell me a little
4 bit more about what that involved?

5 A. Just troubleshooting behaviors, if they had
6 pockets of behaviors or if it was, hey, I'm really
7 having a hard time with third grade right now. They're
8 kind of, you know, off the chain a little bit. What
9 can we do? Let's strategize. I just worked with the
10 team. And I believe I was the only special ed
11 representative on the team, so it was kind of like a
12 dual thing.

13 So if there were special ed, or students that
14 were labeled special ed, that they were having, you
15 know, issues, I would know them more, I guess a deeper
16 knowledge about them, and I could contribute more to
17 like how to help remedy the problems. So we --
18 basically I brought the SPED side into it or the SPED
19 perspective into the PBIS team.

20 Q. From 2007 to 2016 you were always based at
21 Ruskin Elementary?

22 A. Uh-huh, yes.

23 Q. Thank you. Do you know if Ruskin Elementary
24 ever referred any students to the GNETS program?

25 A. Yes.

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1 Q. Do you know how many approximately?

2 A. No, ma'am.

3 Q. Do you recall any students in particular that
4 were referred to GNETS from Ruskin?

5 A. No, ma'am.

6 Q. How do you know that students were referred
7 from Ruskin to GNETS?

8 A. I remember them from being at Ruskin, but I
9 don't remember any detail. Some were there when I
10 came. Like, the ones that I knew were from Ruskin,
11 they were there, and then since then they've come. But
12 maybe I didn't teach them. I just knew, you know.

13 Q. Are you aware of any students who were
14 referred to GNETS from Ruskin who have since left
15 GNETS?

16 A. Yes. Well, I take that back. I don't know --
17 I don't know for sure if he was at Ruskin when he was
18 referred. I just know that he attended Ruskin but that
19 he has since -- he was actually one that we referred
20 out to go full time, and he went out while he was
21 attending Ruskin, while he was an elementary student,
22 yes.

23 Q. If Ruskin refers students to GNETS, do those
24 students go to Harrell?

25 A. Yes.

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1 Q. You mentioned the one student just recently
2 who you know was referred to go full time and left
3 Harrell. Are there any other students that you know
4 came from Ruskin, went to Harrell, and have since left
5 Harrell?

6 A. I can't think of anybody in particular.

7 Q. Okay. Prior to your time at Ruskin
8 Elementary, you were a cheerleading coach for Waycross
9 Middle School?

10 A. Uh-huh, or during that time, yeah.

11 Q. During the time, excuse me.

12 A. Yes, ma'am.

13 Q. You were a coach from 2007 to 2013?

14 A. Yes, ma'am.

15 Q. Did any of the students on the cheerleading
16 team participate in GNETS?

17 A. No, ma'am.

18 Q. How do you know that they did not participate
19 in GNETS?

20 A. Well, I guess that would be my assumption, to
21 be honest. I don't recall any of their names at my
22 school from when I've been there at GNETS. So I guess
23 that would be how I know. Outside of that time frame I
24 wouldn't know, I guess is how I should answer that.

25 Q. Are you aware of any policies or practices

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1 that allow students from GNETS to participate on a
2 cheerleading time?

3 A. To be honest, I think it's just a -- it's kind
4 of like an understood. That's our expectation, that
5 they're able to participate as their behavior allows
6 them to participate.

7 We -- I've never had a problem with that in
8 our area, our OK RESA eight districts. If we meet
9 together as a team and the IEP team feels that they
10 should participate I'd say in basketball, making up
11 something, then they're allowed to do so.

12 Q. So the IEP team is involved in deciding
13 whether a student can participate in something like a
14 cheerleading team?

15 A. That's just usually when it's brought up, in
16 their IEP meeting. Yes, ma'am.

17 Q. Who brings up whether a student can
18 participate in an activity like cheerleading?

19 A. My member of the IEP team. To be honest,
20 sometimes it's me. I might bring it up because I know
21 the interest of the child. The caseload teacher might
22 bring it up because the child has been speaking of it
23 in the class.

24 Any IEP team. The parents brought it up
25 before like, hey, Johnny is interested in tennis. You

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1 know, would this be an option for him. And we're just
2 like, yes, let's talk about it. We encourage it.

3 MR. NGUYEN: Can we take a break whenever?

4 MS. ADAMS: (Nodding head.)

5 Q. Since becoming GNETS director at Harrell, have
6 any students participated on a cheerleading team?

7 A. Not with the school system that I'm aware of,
8 no.

9 Q. Is there any other cheerleading team that a
10 student at Harrell has participated on?

11 A. I'm not sure.

12 Q. During your time at Harrell as a whole, are
13 you aware of any students at Harrell who have
14 participated on a cheerleading team?

15 A. No, not cheerleading. Other sports.

16 Q. What other sports?

17 A. They've participated in -- we've had football.
18 We've had soccer and what was that? Football, soccer,
19 and, well, it's not a sports team but it's a technology
20 team. We've had that. And I want to think there was
21 another sport. But, I'm sorry, I can't remember which
22 one. I don't want to say the wrong one.

23 Q. Are those Harrell GNETS or are they located
24 outside of GNETS?

25 A. They're the county team like Ware County

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1 Gators or Pierce County Gators. I was giving examples
2 of their mascots. They're with the LEAs, the sports
3 teams with the LEAs.

4 Q. How were the students who participated in
5 football, soccer, the technology team allowed to
6 participate in those?

7 A. I don't understand. I don't understand the
8 question.

9 Q. We were talking about how an IEP team is
10 usually involved in whether it's appropriate for a
11 student to participate.

12 Can you tell me what your understanding is as
13 to how students were able to participate in the
14 football, soccer, and technology teams?

15 A. Well, it's just a conversation between all the
16 team members. And the child is involved and we talk
17 about expectations. And I guess just setting it up
18 really is mostly what they talk about because nobody
19 ever really pushes back on them being able to.

20 We just want to have all the expectations laid
21 out to begin with. And then all of like grown-up
22 things, like the transportation all of that, figured
23 out. So it might be like they ride the bus like they
24 normally would from our school back to their home
25 county. And then instead of going to the house like

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1 they normally would, they might take them to the high
2 school for practice, football practice.

3 We've had that recently this past year -- or,
4 no, this year, football. So just pretty much things
5 like that are just worked out.

6 Q. You mentioned that when it comes to
7 participating on a sports team, the IEP team is
8 considering whether the student's behavior would allow
9 a student to engage in that kind of activity.

10 Are there any particular behaviors that would
11 make it difficult for an IEP team to approve a student
12 participating on a team like that?

13 A. The one part we have to make sure is that we
14 know the student that we're -- the ins and outs of the
15 student that we're talking about.

16 So if we know that a student has struggled
17 with anger in the past and then they're going to go --
18 you know, like explosive anger, like getting upset
19 really easily and becoming physically aggressive --
20 okay, just an example -- and they're wanting to play
21 football.

22 We have to go through the whole thing with
23 them, the parent, everybody so they make sure they know
24 what the expectations are. And, of course, we wouldn't
25 be recommending them for a transition had they not

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1 shown that they've improved, you know, that they've
2 changed and they've gotten the supports they need.

3 But at the same time we're clear to say, okay,
4 you've got to make sure. Use your strategies. You
5 know, if you get out there -- I get on specific
6 examples -- if you get out on the field and this
7 scenario happens, then this is what you should do.

8 Remember, you know, what you should do here or
9 remember what you do at PE. You know, try to give the
10 child and the parents like this heads-up. You know,
11 this is your opportunity, go shine.

12 But don't forget. You know, don't go
13 backwards or don't, you know, get your feelings hurt or
14 if you need to talk to somebody, do this. You know,
15 use all your strategies. That's basically what we kind
16 of go through.

17 Like I said, there's not a lot of pushback
18 from our counties about having them involved. We just
19 want to be sure that -- my main thing is that the
20 student knows what the expectations are. And we'll
21 support them to make sure that other staff do their
22 part to support them also.

23 MS. ADAMS: We've been going for quite some
24 time, so let's go ahead and take a break and go off the
25 record.

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1 THE VIDEOGRAPHER: Going off video record
2 10:41 a.m.

3 (Recess.)

4 THE VIDEOGRAPHER: We are now back on video
5 record 10:54 a.m.

6 THE WITNESS: I wanted to clarify something.

7 BY MS. ADAMS:

8 Q. Sure.

9 A. When we were talking about my role and we
10 were -- you had asked about policies and procedures, I
11 think that I probably just used that interchangeably
12 when I shouldn't.

13 But like only the Board of Control and the
14 board office -- board members can change policy. So I
15 didn't want to give the impression that I'm changing
16 any kind of policies. I just change procedures within
17 my building when I was speaking on that earlier.

18 So just anything that needs to be changed in
19 the way we do things in my building. So I guess that's
20 more a procedure-type thing than policy, and I wanted
21 to clarify that.

22 Q. Thank you.

23 A. Thank you.

24 Q. What is the Board of Control?

25 A. It is a group of superintendents. It's the OK

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1 RESA Board of Control, and it's made up of the area's
2 eight counties -- well, actually, I'm sorry, nine
3 counties, superintendents, and the RESA director.

4 And so anything that pertains to the Harrell
5 Learning Center like hiring, any normal things that
6 need to have board approval, that's my board. They
7 approve everything.

8 Q. So if you think a certain policy should be
9 changed or if there's anything that might require that
10 Board of Control's approval, do you have a process for
11 how you communicate with them about that?

12 A. Yes, ma'am. I submit like a recommendation.
13 Normally, it's mostly hires, like staff hiring. So I
14 submit a recommendation form directly to the director,
15 RESA director, and then he presents it at the next
16 board meeting.

17 Q. How often are the board meetings?

18 A. Monthly, I believe.

19 Q. You mentioned that the main reason that you
20 will communicate with the board through a
21 recommendation form is around staff hiring.

22 Are there any other reasons that you might
23 communicate with them about certain recommendations?

24 A. Not that I can think of right now.

25 Q. Okay. Going back to the topic that we were

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1 discussing before the break, you were mentioning that
2 there are a few students at Harrell who participate on
3 LEA sports teams like football, soccer, and then also a
4 technology team.

5 I want to get a general sense of how many
6 students at Harrell have participated on some kind of
7 sports team or extracurricular team like the technology
8 team since you became director at Harrell.

9 Can you give me an estimate of how many
10 students there have been?

11 A. I could not.

12 Q. Do you think it's been more than ten?

13 A. I would say no.

14 Q. Okay. Do you think it's been more than
15 five?

16 A. I'm unsure. I don't know the exact.

17 Q. Are there any current students at Harrell
18 participating on any extracurricular teams?

19 A. Yes.

20 Q. How many students?

21 A. On this semester -- actually, last semester,
22 two.

23 Q. Okay. And are any participating this
24 semester?

25 A. I'm trying to think of sports. I'm unsure, to

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1 be honest.

2 Q. Do you remember if any students participated
3 on extracurricular teams last school year?

4 A. I'm unsure.

5 Q. Is it any responsibility of a Harrell staff
6 member to inform students or parents that they can
7 participate on extracurricular teams?

8 A. Can you say that again?

9 Q. Is it the responsibility of any Harrell staff
10 member to inform students or parents that the students
11 can participate on extracurricular teams?

12 A. I would say not like a set responsibility, but
13 we do, you know, give them information.

14 Q. Going back to some of the abbreviations that
15 we've been using, we were talking about one in
16 particular, GLRS. When you were using that term, were
17 you referring to the Georgia Learning Resources
18 System?

19 A. Yes.

20 Q. Okay.

21 A. Thank you.

22 Q. Your resume states that you are currently a
23 cheerleading coach for Ware County Middle School?

24 A. Yes.

25 Q. And you've been that coach since 2019?

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1 A. Yes.

2 Q. Are any students on that team in GNETS?

3 A. No.

4 Q. And how do you know they're not in GNETS?

5 A. Because I'm the director at the GNETS and I'm
6 the coach -- not being smart. I mean, I don't want
7 that to sound smart-alecky I mean, I know the team and
8 I know my students, so no.

9 Q. Okay. Are there any specific eligibility
10 criteria for being on the team?

11 A. Are you talking about to make the team?

12 Q. Uh-huh.

13 A. Yes. I mean, I don't know if you'd call it
14 criteria. Well, it's preferred. We prefer or they
15 prefer you to have tumbling and can do a cheer and have
16 sharp motions and jumps, things like that.

17 There's also behavior -- I mean, there's also
18 criteria like you can't -- I don't -- I'm not going to
19 quote the exact number because I don't know. But you
20 can't have write-ups. You can't have been suspended.
21 And then I'm not sure if it's this year, but I know in
22 previous years there's also like a grade you had to
23 have. Well, you can't be failing any classes, but you
24 had to have a certain grade to be able to remain on the
25 team.

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1 But if you, like, start failing classes, then
2 they can, I guess, put you on probation or whatever the
3 first steps they do. I haven't had that happen, but I
4 know that there's something out there that they kind of
5 go by. High expectations for all sports, I think.

6 Q. Okay. You mentioned that your boss is the
7 RESA director, correct?

8 A. Yes.

9 Q. Who is that person employed by?

10 A. Okefenokee RESA.

11 Q. Do you report to anyone else?

12 A. No, ma'am.

13 Q. Does anyone else besides the RESA director
14 evaluate your job performance?

15 A. No.

16 Q. How is your job performance evaluated?

17 A. Through the LKES, the leader keys.

18 Q. You mentioned LKES before. Can you tell us a
19 little bit more about what that refers to?

20 A. It's the -- it's like the teacher and leaders
21 have standards that they're evaluated on, and it has
22 different performance areas. Like, organizational
23 management is one of them. Communications is one area.
24 I can't think of anymore right now, I'm blank.

25 Anyway, each area is evaluated just like I

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1 evaluate my teachers on their assessment, strategies or
2 their knowledge of the curriculum or their teaching
3 strategies. I'm evaluating that same manner but more
4 like school-wide, you know, program kind of thing.

5 Q. Who created the LKES assessment tool?

6 A. I have no idea. I would assume Georgia. I
7 mean, it's the Georgia teacher keys so someone from our
8 state.

9 Q. Who requires you to use the Georgia LKES
10 tool?

11 A. I'm unsure. I mean, that's just what I've
12 always been evaluated through, so I guess Ware County
13 has that policy or procedure. And then we have the
14 same thing with RESA for the Harrell Center teachers.

15 Q. Does anyone at GADOE collect your LKES
16 evaluation information?

17 A. I'm unsure.

18 Q. Does anyone else provide you feedback about
19 your job performance?

20 A. Other than Dr. Jacobs, no.

21 Q. If you receive a negative performance
22 evaluation, what are the consequences?

23 A. I'm unsure. I haven't had that happen.

24 Q. How often do you receive a performance
25 evaluation from Dr. Jacobs?

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1 A. Twice a year.

2 Q. Does anyone else receive information about
3 your performance evaluation?

4 A. I'm unsure.

5 Q. Where is your performance evaluation
6 submitted?

7 A. In the platform. I believe it's the TLE
8 platform I believe is what it's called. Anyway, it's a
9 platform that has that program, the TKES and LKES
10 platform.

11 Q. Do know who administers the platform that
12 you're referring to?

13 A. I'm not sure. I know it's in the SLDS. I
14 have to log into the SLDS to get to it.

15 Q. What's SLDS?

16 A. It's the student learning -- I mean, oh, gosh,
17 I don't know. Let me just do that.

18 Q. Is SLDS managed by a specific entity?

19 A. I'm unsure. It's just the platform I log into
20 to do my evaluation. I look at mine and do theirs.

21 Q. Does anyone remind you to log into SLDS to do
22 your evaluation?

23 A. Huh-uh. Oh, no. Well, I take that back. He
24 doesn't have to, but now he will. Like, when I was a
25 new director, okay, make sure -- don't forget to do

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1 this, this, this, and this. I mean, there's checks and
2 balances, yes. But he doesn't have to do that because
3 I stay on top of my stuff.

4 Q. Sorry. The person you're referring to as "he"
5 is Dr. Jacobs?

6 A. Yes, ma'am.

7 Q. Do GADOE staff ever visit Harrell?

8 A. We have had -- I believe they were related in
9 the PBIS department. But I would say no, not --
10 especially, not recently have I had anyone from GADOE
11 visit, no.

12 MS. ADAMS: I ask that the court reporter mark
13 this next document as Plaintiff's Exhibit 764.

14 (Plaintiff Exhibit 764 marked.)

15 BY MS. ADAMS:

16 Q. You have been handed Exhibit 764. This is a
17 copy of an email thread dated October 30, 2019. The
18 most recent email was sent by you to Vickie Cleveland
19 and Lakesha Stevenson.

20 The bottom right-hand corner of the first page
21 of the document is marked GA00355023, and the email
22 subject reads Re Canceled Harrell Visit. You can
23 review the document and let me know when you are ready.

24 (Witness reviewing document.)

25 THE WITNESS: Okay.

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1 BY MS. ADAMS:

2 Q. Do you recognize this email thread?

3 A. Yes. I believe this was -- well, let me look
4 at the month. The only -- the time that they come is
5 when we are doing our strategic plan review. And I
6 don't remember the year, and I honestly don't remember
7 that it would be -- or don't think that it would be in
8 October.

9 But the only visit I ever remember having
10 Vickie come was for the strategic plan review at the
11 end of the year when we review our documentation for
12 the strat review. I just can't remember any of the
13 details. I can't remember the details, I'm sorry.

14 Q. When you say "strat," you're talking about
15 strategic plan?

16 A. Yes, ma'am.

17 Q. What is the strategic plan review?

18 A. There are -- each GNETS has to submit a
19 strategic plan or has to submit strategic plan
20 information, like whether they've taken care of each
21 area, almost like an improvement plan for school
22 systems, I would think that I would compare it to.

23 But it's got areas that, you know, it's got
24 instructional, behavioral, and there's sections that
25 you have to make sure you take care of, you know, like

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1 are you doing the certain behavioral assessments. Are
2 you looking at, like, instruction. How are you
3 supporting your teachers, kind of thing. It's almost
4 like a place to put in evidence that you're doing what
5 you're supposed to be doing.

6 And we used to do those on paper in notebooks
7 and things. And so they would come and sit down with
8 you, and you present all of your -- basically proof is
9 how I try to say it -- proof that we've been doing what
10 we need to do for these kids.

11 And that's the only thing I can think of that
12 they would have been talking about coming for.

13 Q. Who was Vickie Cleveland?

14 A. She is the -- I feel like she's the lead
15 director of the special ed -- I mean, I'm sorry -- lead
16 director of the GNETS division at GADOE. And then I
17 believe Lakesha is her assistant or partner or
18 assistant director maybe. I'm not sure if that's the
19 correct title.

20 But she's the main person that is my first
21 point of contact at GADOE about anything at GNETS.

22 Q. What is your understanding of Ms. Cleveland's
23 job responsibilities?

24 A. With regard to GNETS, just being the point of
25 contact and basically like facilitator. And then they

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1 also schedule our meetings when we meet, directors'
2 meetings, GNETS directors' meetings.

3 Q. When you say point of contact, do you mean the
4 point of contact for all GNETS directors?

5 A. Yes.

6 Q. In Ms. Cleveland's email to you, she informed
7 you that she would have a conflict with this visit and
8 that she would reschedule. Correct?

9 A. Yes.

10 Q. Your response to her states, "Thanks for
11 letting me know." Correct?

12 A. Yes.

13 Q. And your understanding as to why Ms. Cleveland
14 was planning to visit Harrell was to discuss the
15 strategic plan review?

16 A. No. I said I don't know -- looking at the
17 email and looking at the date, I don't know what it was
18 about. I can't remember because I was just probably
19 talking outloud.

20 But I was saying that being October it doesn't
21 really line up with a time that we normally do our
22 strategic plan, so I don't know. I didn't remember
23 this reasoning for her to visit or if -- really, to be
24 honest, if she even did.

25 Q. Has Ms. Cleveland or someone else from GADOE

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1 visited Harrell since 2019?

2 A. I'm unsure.

3 Q. We mentioned that you have an assistant
4 director at Harrell?

5 A. Yes.

6 Q. Does anyone else report to you?

7 A. Yes. All staff.

8 Q. And who are the people on GNETS staff who
9 report to you?

10 A. All teachers, paraprofessionals, the secretary, our
11 first aid technician, and our behavior specialist, and
12 any, like, contracted services, like counseling
13 services, they report to me also.

14 I don't know if report is really the word.
15 I'm not their evaluator, but we collaborate and checks and
16 balances kind of thing. I believe that's all of the
17 titles.

18 Q. We had also talked earlier about the other
19 campus and how there's a site coordinator at the Camden
20 campus.

21 A. Oh, yes, yes. He reports to me also, yes.
22 It's still new.

23 Q. And all of the staff at that campus report to
24 you as well?

25 A. They report to him because he's there. But,

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1 now, if there's an issue or they have a concern, I've
2 made it very clear that they can communicate with me
3 directly if they need to. But their immediate
4 supervisor is Mr. Allen.

5 Q. So he evaluates that staff?

6 A. Yes.

7 Q. Do you evaluate any of the staff at that
8 site?

9 A. I evaluate him, uh-huh.

10 Q. Do you use LKES or TKES to evaluate all of the
11 individuals at Harrell GNETS?

12 A. Yes.

13 Q. How often do you complete those evaluations?

14 A. There's a required number per year. And in
15 the last couple of years they've, you know, they've
16 changed that number. But I always complete like a
17 required number of walk-throughs and conferences.

18 Q. Who makes the requirement per year for the
19 number of times that you evaluate Harrell?

20 A. I'm not sure. I want to say GADOE, but I'm
21 not sure about that.

22 Q. If someone on your staff receives a negative
23 evaluation, how is that person held accountable?

24 A. They're put on an improvement plan. It's
25 actually a professional development plan. And whatever

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1 the area is will be noted, and then they are assigned
2 professional development that matches their area of
3 deficit.

4 Q. When is the last time that someone received a
5 negative evaluation on your staff?

6 A. I'm unsure.

7 Q. Has it happened this school year?

8 A. No.

9 Q. Did it happen last school year?

10 A. I'm unsure.

11 Q. Do you remember the last time that a staff
12 member at Harrell received a negative evaluation?

13 A. I remember the topic. It was about
14 instruction. I mean, it wasn't -- it was
15 instruction-based, just needed help reaching the
16 expectation and, like, plan, lesson plan, submission on
17 time, and then them being thorough enough, kind of
18 thing. Those kinds of things.

19 Q. Do you notify anyone when a staff member
20 receives a negative evaluation?

21 A. I notify Dr. Jacobs.

22 Q. Do you notify anybody else?

23 A. No.

24 Q. Has a Harrell GNETS staff member ever been
25 terminated after they've received a negative

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1 evaluation?

2 A. Not that I'm aware of.

3 Q. Do you have any working relationship with the
4 GADOE?

5 MR. NGUYEN: Object to the form. You may
6 answer the question.

7 THE WITNESS: I'm not sure what you mean by
8 working relationship.

9 BY MS. ADAMS:

10 Q. We talked about Ms. Cleveland and
11 Ms. Stevenson. How would you define your relationship
12 with them?

13 A. Professional. I mean, I feel comfortable
14 reaching out to them and that's all. I mean, I feel
15 comfortable reaching out to them, and they've been
16 helpful, you know, open to hearing my communication. I
17 mean, that's all. I don't -- I think that's it.

18 Q. We've talked about the OK RESA a bit. Can you
19 tell me what the RESA's responsibility is as it
20 pertains to Harrell GNETS?

21 A. It's our fiscal agent.

22 Q. What does that mean?

23 A. The funding that we receive from Georgia and
24 from the federal -- our Georgia and federal funds come
25 through them.

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1 Q. Has the OK RESA always been the fiscal agent
2 for Harrell?

3 A. I'm unsure. I can just speak for the time
4 that I've been working with them, and that answer is
5 yes.

6 Q. Are there any formal documents that
7 memorialize your relationship with the RESA?

8 A. I'm unsure.

9 MS. ADAMS: I'm going to ask the court
10 reporter to mark this next document as Exhibit 765.

11 (Plaintiff Exhibit 765 marked.)

12 BY MS. ADAMS:

13 Q. You have been handed Exhibit 765. This is a
14 copy of an email thread dated May 2018. The most
15 recent email was sent by you to Ms. Cleveland and
16 others.

17 The first page of the document is marked
18 GA00322368. The email subject reads Re FY19
19 Assurances. Please take a moment to review and let me
20 know when you are finished.

21 (Witness reviewing document.)

22 THE WITNESS: Uh-huh.

23 BY MS. ADAMS:

24 Q. Do you recognize that email thread?

25 A. Yes, yeah.

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1 Q. Turning to the third page of this exhibit, the
2 email in the thread dated May 16, 2018, sent at
3 1:41 p.m. was sent from Ms. Cleveland to you and
4 others.

5 It states, "See the attached FY19 assurances.
6 Please follow up with your fiscal agents, LEAs RESAs,
7 to get this signed." Correct?

8 A. Yes.

9 Q. What does FY19 assurances mean?

10 A. This is a document that we get signed. FY is
11 the fiscal year '19, and it's the assurances that our
12 fiscal agent signs that we have to turn back in
13 normally with our strategic plan.

14 Q. Do you know why you get assurances signed?

15 A. I just know that it's -- that our
16 superintendents have to sign them.

17 Q. What is your understanding as to why
18 Ms. Cleveland asked you to ask your fiscal agent to
19 sign the assurances?

20 A. I believe it's because it's part of our --
21 what each GNETS has to do, each program has to do, and
22 turn in with our strategic plan documents.

23 Q. Since 2018 has Ms. Cleveland or someone else
24 from GADOE asked you to send them assurances signed by
25 your fiscal agent?

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1 A. Well, each year it's just expected each year
2 so I'll know it's something that we have to do.

3 Q. And you communicate with GADOE each year to do
4 that?

5 A. Well, her. But, I mean, we don't necessarily
6 talk about it each year. Like, she doesn't have to
7 send out an email every time. I just know that that
8 has to be done every year. So I guess I didn't look at
9 it like that, but they're done each year.

10 Q. Has Ms. Cleveland or someone else from GADOE
11 asked you to communicate with your RESA about anything
12 else to do with GNETS?

13 A. I'm not sure.

14 Q. Does Harrell GNETS have any formal agreements
15 with each county that you serve?

16 A. Unsure about that.

17 Q. You've mentioned that there are a number of
18 counties that participate or that have students that
19 participate in your program.

20 A. Uh-huh.

21 Q. How do you communicate with them?

22 A. How do I communicate with the counties?

23 Q. Yes.

24 A. Phone calls, emails, things like that.

25 Q. And the special education directors of those

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1 counties also participate in meetings with you as well,
2 right?

3 A. Yes.

4 Q. What are your -- what are some of the meetings
5 that you attend as GNETS director?

6 A. The collaborative with special ed directors
7 and then GNETS directors' meetings.

8 Q. Anything else?

9 A. I believe that would be it unless I signed up
10 for something that they're there. But it's not like,
11 you know -- I'm trying to think -- like if we signed up
12 for, like, a legal conference or we signed up for --
13 what is that other one? Anyway, training or whatever.
14 But that's not like I'm meeting with them. We're just
15 all at the same place.

16 Q. So you mentioned the GNETS directors'
17 meetings. What is the purpose of those meetings?

18 A. They bring -- I guess, making sure -- a lot of
19 our topic has been on strategic plan. They'll have
20 reminders about that and making sure that everybody is
21 understanding the topics and making sure they're
22 taking -- I'm sorry, not taking but submitting like
23 documentation for each of those areas.

24 And then we talk about professional learning
25 because different sites post different trainings. And

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1 I'm trying to think. They'll bring in different --
2 like, they brought in someone before about the TKES
3 platform, I mean, almost like going through training to
4 make sure new directors knew about this.

5 And then they brought in an i-Ready special --
6 I don't know if that's the correct title but an i-Ready
7 specialist to go over things because we already use the
8 i-Ready platform.

9 So they brought in someone like that to go
10 over, you know, how to work the program, what reports
11 you should do, and things like that. So support,
12 instruction and behavioral support, is discussed and
13 planned.

14 Q. Who manages the GNETS directors' meetings?

15 A. It's usually led by Vickie and Lakesha. We
16 have a -- I can't remember if it changes by year, but
17 there's like a lead GNETS director, and then they
18 coordinate some things, too, like some of the
19 professional learning.

20 So they're involved. Whoever that person is
21 for the year is involved with probably -- in some of
22 the leading of the meetings or whatever.

23 Q. Have you ever served in that role?

24 A. No.

25 Q. You mentioned that these meetings often

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1 involve discussion of the strategic plan. Who manages
2 the strategic plan process?

3 A. Well, I believe it's us, all the GNETS
4 directors, and then we submit our strategic plan
5 through the GADOE portal.

6 Q. Does anyone at GADOE review those plans?

7 A. Yes, Vickie and Lakesha review. I'm not sure
8 who else reviews, but they do along with whoever else,
9 and then they get back with us like if we have needs or
10 areas if there's something like -- like, I know if
11 there's something that's not submitted for an area that
12 they'll get back to me on that.

13 I had something that would not -- I guess the
14 file was corrupt or something, like she couldn't pull
15 it up. Then they'll communicate back with me about
16 that, like, hey, I didn't get your such and such. We
17 can't see it kind of thing. Stuff like that.

18 Q. Are you familiar with the GNETS directors'
19 executive committee?

20 A. I'm unsure. I know I've heard that before,
21 but I'm not sure who it is or what they do.

22 Q. How often are the GNETS directors' meetings?

23 A. They're not monthly. I know that. But
24 they're -- I think it would be safe to say maybe
25 quarterly, maybe.

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1 Q. Are the meetings required for directors?

2 A. Yes.

3 Q. Who requires participation in the meetings?

4 A. Well, I say required, but it's just expected.

5 I mean, this is for the directors, so everyone should
6 attend.

7 And I know that -- I know if one of us is ever
8 gone, another director might reach out like, hey, or
9 they'll give us an update like if I'm going to be out
10 of one and I can't have anybody to sit it, I'll get
11 with another director and say, hey, can you, you know,
12 can you give me your notes or let me know of anything I
13 missed that I need to be aware of.

14 Q. Does anyone take attendance at the meetings?

15 A. I'm not sure.

16 Q. Are you aware of efforts made by the Georgia
17 Assembly last school year to change funding for
18 GNETS?

19 A. I'm aware that that happened.

20 Q. What do you understand about the change that
21 was proposed?

22 A. All I understand is that they want to move the
23 money. Like, there's -- our grant money kind of sits
24 out there separate possibly from GADOE or special ed,
25 maybe.

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1 And all I understood was that they wanted to
2 move it out from being by itself to under maybe special
3 ed or the counties or something. But I have very
4 little understanding. I know that sounds not very
5 grownup of me, but that's my basic understanding of it.

6 Q. When you say they want to move the money, who
7 are you referring to as "they"?

8 A. I took it as the legislature, government.

9 Q. Thank you. Has that topic ever been discussed
10 at GNETS meetings?

11 A. Some directors do ask, hey, you know, kind of
12 like what's going on. I know when it was first
13 mentioned, like the rumor mill started going, you know,
14 some of the directors were scared or communicated that
15 they were nervous that that meant that they were going
16 to shut every GNETS down.

17 And then there was just conversations among
18 different directors who probably understood more about
19 it and they were, like, no, that's not what this means
20 and they try to, I guess, they try to explain what it
21 meant or whatever.

22 But, I mean, that's all that I know. We
23 really talked about -- or I've been listening to. I
24 don't talk much about it because I don't know much
25 about that part of it.

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1 Q. Are you aware of GNETS directors speaking with
2 anyone at GADOE about this issue?

3 A. I know they asked Vickie and Lakesha in their
4 meetings. I mean, in our directors' meetings they've
5 asked. That's all. They say do you have an update or
6 do y'all know. And then all they say is we have to
7 wait until it's through the legislature. We don't know
8 more than y'all know basically.

9 Q. As GNETS director, have you served on any
10 committees or working groups?

11 A. I was on some. It's been several years ago.
12 I was on a group. To be honest, I don't remember what
13 it was for at this point. I can't believe I don't
14 remember. I don't remember. I'm just going to say I
15 don't remember.

16 MS. ADAMS: I'm going to ask the court
17 reporter to mark this next document as Exhibit 766.

18 (Plaintiff Exhibit 766 marked.)

19 BY MS. ADAMS:

20 Q. You have been handed Exhibit 766. This is a
21 copy of an email thread dated June 19, 2018. The first
22 page has been marked GA00327226. The email subject is
23 Re Academic Team. Please take a moment to review and
24 let me know when you are finished.

25 (Witness reviewing document.)

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1 THE WITNESS: Yes, I do remember this. And,
2 again, I don't remember what -- I don't remember the
3 meeting and all that at this point.

4 But I do remember like pulling some things
5 together like how we do academics in our building, and
6 I shared that out with directors. And I pulled
7 together like how our procedures are for how we
8 progress monitor and I presented that.

9 But I don't remember like the meetings or how
10 many times we met or anything like that. It was almost
11 like I pulled some stuff together to share with the
12 committee. I don't remember us doing anything together
13 as a committee, if that makes sense.

14 BY MS. ADAMS:

15 Q. Okay. The first email from Ms. Cleveland from
16 this thread was sent at 11:47 a.m. And in the email
17 she asks, "Can you switch from the budget committee to
18 the academic committee or serve on both?" Correct?

19 A. Yes, ma'am.

20 Q. Your response at 11:47 a.m. states, "I will do
21 whatever you want me to do. I can do both."

22 Correct?

23 A. Yes.

24 Q. What is the budget committee?

25 A. I'm not sure. I don't even remember being

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1 included with that, to be honest.

2 Q. Do you remember if anyone led the academic
3 committee you were on?

4 A. I don't remember.

5 Q. Do you recall how Ms. Cleveland was involved
6 with these committees at all?

7 A. I don't -- I don't understand -- I mean, I
8 don't know how she was involved. The only discussion
9 we would have would be at our directors' meetings, I
10 guess, and I don't know her depth of involvement or
11 whatever.

12 Q. Are you aware of any active committees where
13 GNETS directors are currently serving?

14 A. I'm unsure.

15 Q. Do you currently serve on any other
16 GNETS-related committees?

17 A. No, ma'am.

18 Q. Are you familiar with a GNETS strategic
19 planning committee?

20 A. Yes.

21 Q. What is the purpose of that committee?

22 A. Okay. I believe that was when they were
23 trying to making the strategic plan better and --
24 actually, I think we were all asked for maybe, like,
25 input at some point or another.

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1 I don't remember if it was, like, live in a
2 meeting or if it was emails. I'm not sure. I can't
3 remember which way, but I know that we were asked for
4 suggestions about the strategic plan and how to make it
5 better.

6 But that's the extent that I remember, yeah.
7 I think it's been several years back when that was
8 created, and I'm not sure if it's still going or not.

9 Q. When you say that was when they were trying to
10 make strategic planning better, who is "they"?

11 A. Vickie and I guess the other directors. You
12 know, there were some things about the strategic plan.
13 We were -- I know that we were submitting -- and this
14 is early on when I was a couple of years of being a
15 director.

16 But we were submitting the same information in
17 like two different places. Things like that were
18 happening. And then they were trying to, I guess,
19 consolidate maybe to try to get us not have to submit
20 all these things.

21 You know, like I said, we used to be paper to
22 so we were even trying to get it -- and that was
23 several years back -- but we were trying to get it into
24 like a platform instead of having everybody doing 52
25 different things.

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1 So I know that that's part of the planning
2 that was on the agenda, not the agenda, but that was
3 one of the things we talked about, trying to figure out
4 a better way to fix the strategic planning.

5 Q. When approximately did the strategic planning
6 process transition from being on paper to I guess
7 digital?

8 A. I want to -- I want to think two years that I
9 know for sure that we submitted in the portal, through
10 the GADOE portal. And then before that, I mean, you
11 could do electronic. You could do like Google Docs or
12 something.

13 We always had to submit through the portal,
14 but there wasn't like a submission location, if that
15 makes sense. It was just you had to put it, you know,
16 send it through there so it was secure.

17 But then they created in our portal now that
18 there's an actual place to submit. You go in and put
19 in your documents into this formatted platform kind of
20 thing. So that was the improvement in the last couple
21 of years.

22 Q. Was anyone else besides Ms. Cleveland,
23 Ms. Stevenson, and GNETS directors involved in the
24 conversations around the GNETS strategic planning
25 committee?

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1 A. I'm not sure about that.

2 Q. Do you participate in a LEA collaborative?

3 A. No.

4 Q. We did talk about the OK RESA collaborative
5 that you participated in.

6 A. The special ed directors, yes, ma'am.

7 Q. Okay. Do you participate on an IDT
8 committee?

9 A. I'm not sure what that is.

10 Q. Are there any other committees or working
11 groups that we have not discussed?

12 A. I don't think so.

13 Q. We talked about how you have communicated with
14 Ms. Cleveland and sometimes Ms. Stevenson. How
15 frequently do you communicate with them?

16 A. Infrequently.

17 Q. Do you speak with anyone else or communicate
18 with anyone else at GADOE besides them?

19 A. Not on a regular basis. I mean, I have
20 communicated with different people but not on a regular
21 basis.

22 Q. Who are some of the people you've communicated
23 with besides Ms. Cleveland and Ms. Stevenson?

24 A. Well, Ms. Belinda Tiller is our district
25 liaison, I believe is her title. And I communicate

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1 with -- I still don't communicate with her regularly,
2 but she comes to our collaborative meetings also.
3 She's the one I talked about earlier when I was trying
4 to think of those people.

5 And then I receive the directors -- there's a
6 special ed directors, like, update that the state level
7 director miss -- oh, my gosh. Is it Ms. Wina Low?
8 She's the special ed director at the state level at
9 GADOE.

10 She sends out an email blast is what it's
11 called. She calls it an email blast with special ed
12 updates. And, I mean, that's just really her sending
13 out, but I don't really communicate with her.

14 Q. Is there anyone else that you haven't
15 mentioned that you communicate with at GADOE?

16 A. I'm unsure. Not regularly.

17 Q. You mentioned that Belinda Tiller is the
18 district liaison who participates in collaborative
19 meetings. What is your understanding of her
20 responsibilities?

21 A. I'm really unsure other than I know that she
22 brings information from GADOE to SPED directors like
23 reminders and deadlines or communicates professional
24 development opportunities, things of that nature.

25 Q. Have you ever been asked to prepare a report

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1 or consult with anyone on the governor's staff?

2 A. On the governor's staff? No, ma'am.

3 Q. Have you ever been asked to prepare reports or
4 consult with anyone on the state legislature?

5 A. No, ma'am.

6 Q. When you first started working for the GNETS
7 program, what was your view as to how effective the
8 GNETS program was in serving students with EBD?

9 A. When I first started working there, I had no
10 opinion. I wasn't -- didn't know much about it.

11 Q. What would a successful GNETS experience look
12 like for students who are currently being served by
13 your program?

14 A. Well, I have probably two scenarios. A
15 successful GNETS student would be one that came in for
16 whatever reason, whatever troubles they were dealing
17 with. They received the support, the love, the
18 instruction, the counseling, everything, strategies.

19 They receive everything that we give in our
20 building, and then they turn around and transition back
21 out to their LEA and then are successful. I mean,
22 because we've had kids that go out but then have to,
23 like, come back or they're not successful.

24 And then the other successful GNETS student
25 will be someone who remains in our GNETS setting but is

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1 thriving and is successful but not necessarily one that
2 transitions out. It's just that setting was least
3 restrictive for them and they are thriving in the
4 setting.

5 You know, everybody is happy. Parents are
6 happy. Students are happy. We're seeing a change in
7 behavior. We're seeing a positive change in emotions,
8 and the student typically doesn't want to leave. But I
9 feel like that student is just as successful whether
10 they're there one year or whether they're there four
11 years if that's what that student needs.

12 Q. What would an unsuccessful GNETS experience
13 look like for students currently in your program?

14 A. I would say that maybe not being -- maybe
15 describing them as that first student but then the LEA
16 not allowing them to transition. I mean, that's like
17 worst case scenario. We haven't had that. But I'm
18 just saying that would be unsuccessful to me, like just
19 being held back there when they have shown what they
20 need to show to transition out and not being allowed to
21 transition out.

22 Will you ask your question again?

23 Q. What would an unsuccessful GNETS experience
24 look like for students currently in your program?

25 A. Okay. Then the other thing I think about is

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1 unsuccessful with the wrong type of student there. And
2 to explain that, our therapeutic-need kids, who need
3 that environment, when they're exposed to another type
4 of student like a student that doesn't -- I don't know
5 how to explain it -- a student that doesn't match.
6 Like, maybe it's like a conduct, a student with conduct
7 issues, not like a severe therapeutic emotional need,
8 if that makes sense.

9 They just -- those kinds of kids disrupt that
10 environment that our kids with emotional needs need.
11 Some of those kids are just there and they disrupt the
12 environment with bad behavior, not like this emotional
13 need, you know, if that makes sense. Not to get to
14 deep but, anyway, that would be a bad experience, those
15 two scenarios.

16 Q. Going back to the example that you were
17 talking about in the second scenario where a student is
18 successful and staying in the Harrell setting, how do
19 you measure whether a student is thriving and
20 successful when they stay at Harrell?

21 A. Well, it's individualized per child, so it
22 depends on what they came with, like what struggles
23 they have. And a lot of it can be like social
24 situations. How are they handling conflict with their
25 peers or how are they handling, you know, like their

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1 own self-management. How they're progressing in their
2 counseling sessions, their mindset.

3 It's not always -- it's not always, I would
4 say, like data on paper like you can look at a reading
5 score or you can look at a math score to see if a
6 student has progressed.

7 This is more like -- when you're dealing with
8 emotions, it's looking more at like what are they able
9 to do now that they might not have been able to do then
10 and looking at what they require to, I guess, maintain
11 themselves, you know.

12 Are they needing someone right there with them
13 all day long to maintain their emotions, if that was
14 the case. Then, you know, are they still having a hard
15 time with being in a group of, like, six. We wouldn't
16 want to send -- they're not ready to go out in a group
17 of 35 or 30 kids.

18 So it's just individualized. I mean, there's
19 no blanket thing. We don't use a blanket thing. They,
20 of course, have to meet their IEP goals, you know, but
21 there's also this part of them that we have to
22 consider, almost like their mental stability, you know,
23 on whether they're ready to transition.

24 I might have got off what you're asking me,
25 but anyway.

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1 Q. For the students who end up staying at
2 Harrell, is the goal for them to eventually transition
3 back to a full-time experience outside of the GNETS
4 program?

5 A. That's everybody's goal, yes, ma'am.

6 Q. You mentioned that for the students who stay
7 at Harrell and can still be successful, their progress
8 is not always measured through data on paper.

9 If the progress is not measured on paper, how
10 is it being measured?

11 A. Well, I meant there's -- they're being
12 measured on paper. I'm just saying it's not like
13 numbers on paper. You can't measure emotions, you
14 know, whether they had a 52 this year and next year
15 they got a 98 or something, you know.

16 So we pull everything together. We collect
17 data on paper. That is not what I meant. We collect
18 data on paper, and we put all of that together to
19 create this picture of the student. So there's records
20 and documentation. It's just not as simple as if it
21 were academic.

22 Q. Thank you for that clarification. Does your
23 definition of success for the students who stay at
24 Harrell include an academic component?

25 A. They have academic goals in their IEP, but we

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1 do not allow academics to determine whether they stay
2 or go. They are strictly there -- they came to us for
3 a behavioral need or with a behavioral issue, and
4 that's what we evaluate, in our building, is what we
5 evaluate them on.

6 And we'll push back if, you know, like if a
7 county, an LEA, or whatever scenario just to make up
8 something, if they were to say, well, this kid has got
9 a learning disability and they're going to struggle
10 when they go back. We understand that, but they still
11 deserve the opportunity, you know.

12 So we consider it. It's in the big picture of
13 the child, but that's not what keeps them or, yeah,
14 that's not what keeps them at GNETS.

15 Q. When we were talking a little bit earlier
16 about an unsuccessful GNETS experience, you mentioned
17 that one example of that would be an LEA not allowing a
18 student to transition.

19 Can you tell me more about what that could
20 look like, why a LEA would not allow a student to
21 transition?

22 A. I mean, I'm really not sure other than that
23 scenario that I just brought up like them trying to say
24 that maybe their academics are poor or, you know, just
25 the simple fact of them being a GNETS student, labeled

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1 a GNETS student sometimes because I feel like counties
2 know the behaviors that they send to us, the kids, you
3 know what I mean.

4 They know what types of behaviors. They can
5 be severe and bad, you know, real rough behaviors,
6 sometimes scary behaviors. So they can be a little
7 apprehensive of talking about them coming back.

8 And especially knowing our setting is so
9 small, they could maybe push back, we're worried about
10 this kid going to -- the same worries we have, a kid
11 going into a 30-student classroom. But, like I said,
12 we don't really have a lot of that problem around here.

13 Q. Are you aware of any situation across the
14 GNETS program more broadly where a county has either
15 hesitated or refused a student to transition back?

16 A. No, no.

17 Q. Are counties required to accept students back
18 into the full-time experience after a student has been
19 at GNETS?

20 A. As far as I'm aware, if that's what the IEP
21 team decided, yes. I mean, we generally
22 don't require -- I mean, we wouldn't expect like a
23 full-time transition the first time you're talking
24 about them going back. But transition period is pretty
25 much expected if their data supports that they should

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1 go back, yeah.

2 Q. Does anyone or any entity enforce that
3 expectation?

4 A. No. It just falls back to the IEP team. I
5 mean, is that considered -- I'm not sure if that is
6 considered what you're talking about.

7 I mean, it all goes back to the IEP team.
8 Like, we don't have -- none of us can just say, you
9 know, they're not allowed to go back or they're going
10 back. You know, it all goes through the IEP team.

11 Q. What makes a student eligible to participate
12 in GNETS?

13 A. We follow the GNETS rule. Pretty much it's
14 like any behavior that is severe to where -- I mean, we
15 look at it like severe where they're putting themselves
16 or others in danger, whether that's physically or
17 emotionally, you know, is pretty much how we look at
18 it. And then it has to be -- what's the word I was
19 going to use? It has to be severe in nature.

20 Q. What is the GNETS rule?

21 A. I can't quote it.

22 Q. Just generally what is it?

23 A. Well, it has to be a level of intensity and
24 severity of behavior to be considered, you know, for
25 the IEP team to even consider transitioning them to

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1 GNETS.

2 Q. Okay. And the concept of the GNETS rule, what
3 is the actual GNETS rule as a whole? Where does it
4 come from?

5 A. I'm not sure.

6 Q. Do you know if any entity or particular
7 individual created the GNETS tool?

8 A. It's a State Board rule. Yeah, it's a State
9 Board rule is the one I'm referring to.

10 Q. Does anyone require that you follow it?

11 A. It's expected that we do, yeah. The GNETS
12 directors have communicated that we should follow that
13 rule and keep that rule in mind when we're considering
14 students to make sure that we only, you know, accept
15 students who meet that rule.

16 Q. Are there specific disability diagnoses that
17 qualify a student to participate in GNETS?

18 A. No.

19 Q. Are there specific disability diagnoses that
20 disqualify a student from participating in GNETS?

21 A. Not that I'm aware of.

22 Q. Is there anything that makes a student
23 ineligible to participate in GNETS?

24 A. Well, the data that's provided needs to show
25 that the LEA has, you know, has given their best effort

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1 taking care of the child, you know, behaviorally and
2 that they provide interventions and supports to the
3 best of their ability.

4 But there's no set, like, criteria, you know,
5 that says you check these boxes and you get in or you
6 check these boxes and you're not eligible, no. It just
7 all goes back to the IEP team.

8 Q. Can you please -- excuse me. Can you please
9 describe the process through which a student gets
10 referred to Harrell GNETS?

11 A. Typically, the county will -- the LEA reaches
12 out with an observation. A consult request is what
13 it's called, consultation request. And they first
14 request one of our staff members to come observe the
15 child in their environment.

16 And while there, you know, we can in addition
17 to observing the child, we can look at, you know, some
18 of their data typically and have discussions with
19 teachers or other staff members about the child.

20 And at that point we provide recommendations
21 if we see anything that maybe the teachers or staff
22 aren't doing or what they can maybe do better like
23 strategies for curbing the behavior, we provide that.

24 And then typically they try those things, and
25 then they'll reach back out with us and, you know, we

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1 might -- there's a timeline established. And then at
2 the end of that timeline then it's, you know, maybe
3 consulting back and forth a little bit between whoever
4 went.

5 You know, our behavior specialist goes a lot,
6 so it might be that he communicates -- consults with
7 that teacher back and forth. It can be, you know,
8 weeks, months.

9 And then if they pretty much, the county feels
10 like they've exhausted everything that they have tried
11 and have done for the child, then they'll send in our
12 student -- our confidential student information packet.

13 And that's just a list of pretty much all
14 their records like their special ed records, their
15 psychological, their IEP just so that our team --
16 they'll send it in for our team to review, like another
17 set of eyes almost, before we have like an IEP meeting.

18 And typically what we do is I'll type up or --
19 well, communicate. I shouldn't say type because
20 there's different ways that we communicate our
21 recommendation once we've -- like, my team has looked
22 at everything and like, hey, you can still -- again,
23 you can do this or you can do this or you haven't tried
24 this or nice work doing this, you know.

25 Or, hey, you know, it might be that they've

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1 said they've done this specific thing, but then there's
2 no data to show, you know, if the intervention has been
3 successful or not.

4 And so typically once that happens and we
5 provide that feedback back and forth, if things are
6 still not looking great or the student is still not
7 progressing, then we'll come together in the IEP team
8 to go from there. Like, decide, okay, what do we need
9 to do now for this child.

10 And so typically that's when GNETS becomes one
11 of the considerations, the options I mean for
12 consideration.

13 Q. And what happens at that point?

14 A. Then the team just decides, you know, whether
15 there's enough, you know, like documentation or
16 support -- not support but to support transition to a
17 more restricted environment, which is us.

18 And parents are always involved. They have
19 their input also. And then if it's decided that that
20 would be the least restrictive environment, then other
21 details are discussed and making arrangements to make
22 it happen.

23 Q. At what point do parents become involved in
24 the process?

25 A. I'm unsure actually because a lot of my

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1 experience has been that they're involved either prior
2 or during the IEP meeting. I think a lot of these kids
3 are -- or from my experience, the special ed directors
4 have had working relationships with some of these
5 parents already because if they've gotten to that level
6 of need or, you know, then the county has already been
7 working with the parents, communicating with the
8 parents.

9 And typically my special ed directors will
10 mention that, you know, we've reached out to HLC for a
11 consult, you know, to get more ideas. And then, hey,
12 we're going to have this IEP meeting. HLC personnel
13 will be there, that kind of thing, you know. So highly
14 communicative. So I would say prior and during the IEP
15 process.

16 Q. Earlier on in the process you mentioned that
17 there's a staff member from Harrell that comes in to
18 observe and look at data, and you mentioned that your
19 behavior specialist often goes.

20 Does anyone else from Harrell come and do
21 observations or any kind of visit?

22 A. The administrators have to. I go or I know my
23 assistant director, Ms. Gardner, she's gone also.
24 Predominantly, it's been, during my years there, have
25 been Mr. Terry my behavior specialist and myself.

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1 Q. Does Harrell keep any records of who is
2 referred to the GNETS program and the outcome of those
3 referrals?

4 A. Yes.

5 Q. How are those records kept?

6 A. I keep them in an Excel document or, yeah, it
7 might be sheets, but yeah.

8 Q. Does anyone else maintain those records
9 besides you?

10 A. No.

11 Q. Are those records reported to anyone?

12 A. No, unless a county has asked, like a school
13 director has asked -- if they ask, hey, how many
14 referrals have we had this year, blah, blah, blah. You
15 know, I will do that. I'm not keeping it from them.
16 That's not something I share periodically or anything
17 like that. It's more my record.

18 Q. Going back to your discussion of the referral
19 process, you talked about your staff may make
20 recommendations for the school staff to take certain
21 approaches or try certain strategies.

22 How do you know that those strategies are
23 being implemented at the school?

24 A. Only if they document them would we know. I
25 mean, we ask them to keep a record of it. And they

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1 list out the intervention or the strategy, and then
2 they need to keep data to show that they've -- or what
3 the outcome was, you know.

4 But other than the data, the record, you know,
5 that would be the only way we would know.

6 Q. Has there ever been a situation when a student
7 has been prepared to transition to GNETS or has
8 transitioned to GNETS and that supporting documentation
9 has not been present?

10 A. During my time, no.

11 Q. Are you aware of any time for Harrell GNETS
12 when supporting documentation about prior strategies or
13 interventions was not documented and a student still
14 transitioned?

15 A. I'm unsure about that.

16 Q. You mentioned that the IEP team is involved in
17 the GNETS referral process. Who all is involved in
18 that team?

19 A. There should be all the required members of
20 the IEP team. So usually that's an LEA. There's a Gen
21 Ed teacher from the LEA, parents, the student when the
22 parents file that, and then a representative from my
23 building would be there.

24 And then whoever else. You know, if they're
25 discussing other things, too, evaluations, then it

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1 might be a school psychologist. It might be a speech
2 teacher It depends on their services. If they have OT
3 or PT, it would be them, I mean they would be included
4 also.

5 Q. Are you aware of any time when you have been
6 Harrell director when the required members of the IEP
7 team have not been present for the conversations about
8 GNETS referral?

9 A. Not that I'm aware of, no, ma'am.

10 Q. Okay. I think we can go ahead and go off the
11 record.

12 THE VIDEOGRAPHER: Going off video record
13 12:11 p.m.

14 (Recess.)

15 THE VIDEOGRAPHER: We are now back on the
16 video record 1:07 p.m.

17 BY MS. ADAMS:

18 Q. We've been talking a lot about lots of
19 abbreviations. And for the record, I just want to make
20 sure that we're on the same page about the evaluation
21 acronyms we were using, LKES and TKES.

22 So TKES, how do you spell that? T-K-E-E-S?

23 A. T-K-E-S.

24 Q. TKES. And LKES is L-K-E-S?

25 A. Yes.

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1 Q. Okay. We were talking earlier about
2 successful GNETS experiences and unsuccessful GNETS
3 experiences, and you were mentioning that in certain
4 situations a student might have an unsuccessful GNETS
5 experience because they encountered the wrong type of
6 student or the wrong type of student might be in the
7 program and conducting themselves in a certain way and
8 that conduct can disrupt a student's experience.

9 Can you tell me more a bit about what you mean
10 when you say that there is a student who is conducting
11 themselves in a certain way and can disrupt an
12 experience?

13 A. Well, I really haven't had that experience at
14 my school since I've been director, and so I would
15 really be speaking on experience from my first year
16 there and not be able to remember much of the details.

17 I just remember it being like a, you know,
18 mismatch in a student that just is not in like
19 therapeutic need or emotional need. They're making,
20 like, choice behaviors on purpose, you know, on purpose
21 it seems like. I mean, this is like opinion, of
22 course, from adults observing. But other than that,
23 that's just what I meant.

24 Q. So you said that you experienced that to some
25 degree in the first year you were at Harrell?

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1 A. Uh-huh, yeah.

2 Q. What did you experience in particular?

3 A. I mean, that was it. I don't remember the
4 details. I just remember there being like a mismatch
5 feeling like this child is having that behavior and
6 they honestly cannot help, you know, how they're
7 feeling and how they're acting at some points.

8 When this child can, they're making a
9 conscious choice, which is even, you know, sometimes
10 even feels like they're purposely even upsetting this
11 other one. You know what I mean. But I can't remember
12 like specific details at this time on that.

13 Q. Do you recall whether there was just one
14 student who was behaving in this kind of consciousness?

15 A. I don't know.

16 Q. Do you recall how a student, like the student
17 you're remembering who is making these conscious
18 decisions, how that student would end up at GNETS?

19 A. Do I remember how they did?

20 Q. (Nodding head.)

21 A. No.

22 Q. Have you been presented with a situation where
23 a student, like the student you were talking about who
24 was making conscious choices to be disruptive, have you
25 encountered a situation since then where that kind of

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1 student has been referred to GNETS?

2 A. Not referred because I wouldn't know if they
3 were being that way or not had I not had experience
4 with them. So I really can't answer that.

5 Q. Okay.

6 A. I mean, if you're asking me if a student like
7 that has been referred to my GNETS, yeah, I'm not sure
8 because I wouldn't have had experience with them if
9 they're just being referred, if that makes sense.

10 Q. Have you in the GNETS referral process where
11 your staff goes in to observe in a different setting,
12 have you or your staff ever observed students who are
13 behaving in that kind of disruptive way that you're
14 talking about making conscious decisions?

15 A. I'm not sure.

16 Q. Would a student who behaves in the manner
17 you're talking about, making conscious decisions to be
18 disruptive, would that student qualify to be placed in
19 GNETS?

20 A. It would depend on the student's data and
21 whether they were really making a conscious decision or
22 not. So it's individual.

23 Q. If a student was referred to go through the
24 GNETS observation/consultation process and the data
25 showed that the student was making conscious decisions

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1 to be disruptive, what would your team do in that
2 situation in terms of making recommendations and
3 considering them for GNETS?

4 A. I mean, if everything pointed to, you know,
5 was not according to their disability, then my team
6 would recommend that they not be placed at GNETS.

7 Q. How would you know whether the student's
8 behavior was connected to their disability or not?

9 A. I mean, really you wouldn't know until you had
10 experience with them. I mean technically I guess they
11 could get into GNETS, any GNETS really, and you
12 wouldn't really know the extent of their behavior until
13 you had them, I guess. But I really don't know how to
14 answer that.

15 Q. If a student was in Harrell and the data was
16 showing that they were making conscious choices to be
17 disruptive, that they were not there to be served for a
18 particular disability, how would you proceed in that
19 situation?

20 A. We would call an IEP meeting. I mean, we
21 would come back to the IEP team, and we would show our
22 data and just meet together with the team and just
23 decide from there what's the best, least restrictive,
24 you know, for that student with all the information
25 given. You know, like is this the best placement for

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1 this student.

2 Q. How might that student be served differently
3 from a student who wasn't making conscious choices to
4 be disruptive?

5 A. I'm not sure.

6 Q. Are there any particular services that you can
7 envision a student making conscious choices to be
8 disruptive needing to receive versus a student who was
9 not?

10 A. I'm not sure because that would be on an
11 individual basis.

12 Q. Are students who are not eligible for special
13 education eligible for GNETS?

14 A. No.

15 Q. And how do you know that?

16 A. Because it's a service. GNETS is an extension
17 service on the continuum, so it's only for students who
18 have an IEP are qualified for special ed services.

19 Q. If a county wanted to talk to you about a
20 student who was not receiving special education
21 services and was seeking help for how to support that
22 student, what would you do?

23 A. Well, I would say that I would explain to
24 them, you know, like the rule that, you know, GNETS is
25 only an option for students with special needs. I

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1 mean, I don't know that I've had -- or I mean -- say
2 that again. Ask me the question again.

3 Q. So if a county came to you and was seeking
4 observation or consultation services for a student who
5 was not eligible for special education, what would you
6 do?

7 A. Oh, okay. I mean, they probably could if they
8 had someone experiencing a behavior -- some behavior
9 issues but they're not yet special ed, we're still
10 allowed to go and provide any kind of recommendations
11 because that's just our area of behavior.

12 But we could not move forward with anything
13 like services or anything like that or get too heavily
14 involved because they're not special ed.

15 Q. Where does the rule or requirement come from
16 that you're referring to that students who are not
17 eligible for special education are not served for
18 GNETS?

19 A. GADOE. I believe that's the GADOE policy.

20 Q. You mentioned that there are two sites that
21 are served at Harrell GNETS, the Waycross and Camden
22 sites.

23 A. Uh-huh.

24 Q. And you mentioned that the Camden site
25 transitioned under Harrell fairly recently in 2022?

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1 A. Yes.

2 Q. Do you recall approximately when in 2022 that
3 happened?

4 A. I guess officially in July because we started
5 the new school year in August. So July of '22.

6 Q. Thank you. Do you know why the Camden site
7 became a Harrell site?

8 A. Other than the reason I gave earlier about
9 Camden is up under Okefenokee RESA and not, I believe,
10 First District RESA, and they wanted it to be the
11 same.

12 Q. When you say "they," who are you referring
13 to?

14 A. I believe Camden, the original decision or the
15 original conversation about changing was between Camden
16 and Coastal. I'm not sure what that conversation
17 consisted of and whether that was the reasoning or not.

18 But that's what was brought to us is that the
19 reasoning is they were under our RESA and that they
20 would want our, you know, us to manage that site.

21 Q. When did you -- who told you that Camden was
22 going to be under Harrell GNETS?

23 A. I believe officially it was Dr. Jacobs.

24 Q. Did anyone at OK RESA have to approve the
25 change for Camden to be under Harrell?

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1 A. I'm unsure. But the Camden County
2 superintendent is one of the Board of Control members.
3 I mean, that's all I know is they would have had to
4 have a conversation together and then had a discussion
5 with me about, you know, hey, this is most likely going
6 to happen. And it just went from there.

7 Q. Did the Board of Control have to approve the
8 change?

9 A. I'm not sure about that. I'm not sure. I
10 would assume, yes, but I'm not sure.

11 Q. Did Dr. Jacobs have to give his own approval
12 for the change to happen?

13 A. I'm not sure.

14 Q. Were you consulted before the change
15 happened?

16 A. Yes.

17 Q. Did anyone ask you if you had any concerns or
18 if there were any questions that you had prior to the
19 change occurring?

20 A. Yes.

21 Q. What did that conversation look like?

22 A. Just the concern was I was -- I communicated
23 that I was happy to help and that I felt that we could
24 really help them over there.

25 The only concern I had was the distance

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1 because it's about an hour away. So that was my only
2 concern. And I had a question of whether they would
3 stay there at that site -- or before I knew that there
4 was going to be a distance problem, the other question
5 I had was, was it going to remain at that site or were
6 they going to change those kids to our -- bus them to
7 our Waycross site.

8 And that's really the only, you know,
9 conversations or concerns that I had, questions or
10 whatever.

11 Q. Who decided that the children in the Camden
12 site were going to be at a Camden physical site as
13 opposed to coming to the Waycross site?

14 A. I'm not sure if -- I know that the
15 superintendent did not want them traveling that far
16 because it is a long ride. I don't know who made the
17 final decision, if it was a board thing or, you know,
18 him. I'm not sure.

19 Q. Where is the Camden site located originally
20 graphically?

21 A. It's in Kingsland right next to their Board of
22 Education.

23 Q. Why is an hour bus ride too long for students
24 to take in order to get to school?

25 A. I'm not sure.

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1 Q. Do you have an opinion about how long a
2 student should travel?

3 A. Oh, well, I feel like especially those with
4 behaviors, all on one bus, I feel like it might not be
5 in the best interest of the driver at times, you know.
6 But that's knowing the kids now. Knowing the kids now,
7 there's a lot of physically aggressive kids.

8 So I didn't really have an opinion either way.
9 At the beginning, you know, I thought it would be fine
10 if they wanted to do it that way. But really after the
11 fact I'm like, boy, I'm glad we didn't do that just
12 because of the kids but that's really it.

13 Q. What, if any, other changes occurred when the
14 Camden site came under the Harrell site? Were there
15 any other considerations besides transportation that
16 came up?

17 A. Other than just staff, hiring new staff,
18 because a lot of staff left. When Coastal pulled out,
19 their staff went with them. So those were changes,
20 hiring people.

21 Q. How many new staff had to be hired?

22 A. There's three teachers, three paras. So two
23 teachers, three paras and a site coordinator had to be
24 hired.

25 Q. Do you know why the staff that had been there

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1 previously decided to leave when the change occurred?

2 A. I'm not sure.

3 Q. Do you know where they left to go to?

4 A. Well, I assume because they went to Coastal,
5 the other site, that the site coordinator left, and
6 he's a director at another Coastal site.

7 Coastal had several sites. I'm not sure how
8 many. Three, I think, but I'm not sure. They had a
9 couple of different sites, and he went to go be the
10 director of that site and be actually a co-director
11 with the current director. And some of those staff
12 members went with him.

13 Q. Were there any changes to the finances and
14 funding structures for Harrell when the Camden site
15 came on board?

16 A. I'm not sure. I know that -- I know that
17 Coastal -- Coastal's fiscal agent is First District
18 RESA.

19 So I know that there had to -- there was an
20 agreement that they would pay -- that First District
21 RESA would basically give our RESA, Okefenokee RESA,
22 the funding for those kids for this year because it
23 was, you know, already allocated previous -- before the
24 change.

25 So I know that happened. They funded that

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1 site to Okefenokee RESA.

2 Q. Moving forward, do you have any sense as to
3 whether your funding will increase now that you are
4 supporting more students?

5 A. I'm not really sure. I mean, I would assume
6 so, but I'm not sure because I don't deal with anything
7 with the budget at all.

8 Q. Who does?

9 A. Our CFO at RESA, Iris Collins. She's always
10 taking care of the budget.

11 Q. Do you know who decides how much money is
12 allocated to your program?

13 A. There's -- the only thing I've ever heard was
14 that there's some formula that no one really knows what
15 it is. But it's supposedly like a rolling average is
16 what I've been told of like maybe a couple, maybe three
17 years, I think.

18 But that's all I really know. I don't know a
19 specific number or -- it's not like other funding that
20 a certain kid makes a certain amount per segment or
21 things like that. It's not that way.

22 Q. How will you learn how much money is allocated
23 to Harrell for the upcoming school year?

24 A. Normally that just comes from the GADOE. They
25 send out a spreadsheet or they send out your allocation

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1 amount, which would be state and federal.

2 I don't know that. I think they just give us
3 the state. I don't think the federal amount comes from
4 GADOE. But, anyway, that's how I know. They just give
5 us a number, total.

6 Q. Prior to learning that number from GADOE, is
7 there any process where you can request additional
8 funds or say, hey, now that I have this additional site
9 with additional kids, I'm going to need more money?

10 A. I'm not sure. I'm not sure if there's a
11 process or what the process is for that. Now, I do
12 know in the past there's been different grants because
13 we've been allocated two grants.

14 We have a therapeutic grant where they were
15 offering to some of the GNETS sites a therapeutic --
16 who maybe needed a therapeutic staff member or
17 additional staff member. And so I've been using that
18 money the last several of years to contract with a
19 counseling agency to bring more counseling into my
20 building.

21 And then the ESSER III grant that we received,
22 I think -- I believe we get it for three years. I was
23 able to -- I'm going to be able to use that this year
24 and next year for additional, you know, counseling.
25 Actually, we'll be using it this year for counseling in

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1 Camden.

2 So those were additional that -- I can't
3 remember if I spoke in person at first, but I know that
4 I've communicated with Vickie about that. And then we
5 have to turn in, like, logs and things to show for what
6 we're spending the money.

7 Q. So GADOE informed you about the two grant
8 opportunities?

9 A. Yeah.

10 Q. Going back to talking about the GNETS referral
11 process, have you ever been presented with a situation
12 where members of an IEP team disagree on whether a
13 student should be placed at Harrell?

14 A. Placed at Harrell? No, ma'am. Not that I
15 recall, no.

16 Q. Have you ever been presented with a situation
17 where members of the IEP team disagree as to what to do
18 regarding a student that has been brought to their
19 attention where Harrell has been involved?

20 A. Say that again, I'm sorry.

21 Q. I had asked you earlier whether you had been
22 presented with a situation where members of the IEP
23 team disagree on whether a student should be placed in
24 GNETS.

25 I'm wondering if there's any other situations

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1 where Harrell has met with an IEP team to talk about a
2 student who is not yet at Harrell but there's some
3 disagreement about what to do for that student.

4 A. Oh, okay. Not with the IEP team, no. Like, I
5 was talking to you earlier about when we're kind of
6 going back and forth with the consultation kind of
7 thing and we're kind of collaborating to try to help
8 with strategies, at that point we might say some things
9 like we don't have this in place, you don't have this
10 in place, or this would be good to do.

11 That's when those kinds of things are being
12 talked about. Like, where they're getting the idea
13 from me or my staff that, you know, this kid, you know,
14 we're not going there -- we're not going to GNETS yet
15 or it's not close or something like that but not to the
16 point where we get in the IEP meeting.

17 It's kind of like those are preconversations
18 or something that we're trying to be preventative and
19 supportive at the same time because we really -- our
20 building, we really try to -- prevent is not the best
21 word.

22 I can't think of the word right now, but try
23 to almost prevent them from having to come if we can
24 help support them somehow out there because we want
25 them to be legitimately supposed to be there if they

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1 come. You know what I mean, I'm sorry. But that's the
2 only thing I can think of for that.

3 Q. So what I'm hearing is there might be some
4 times when your staff members are looped into
5 conversations with someone at a school from a county
6 and the school staff might be eager for a student to
7 transition to GNETS, but your staff are saying there
8 are things that need to happen before we can have that
9 conversation or before we can consider the student to
10 move forward with GNETS?

11 A. Yes, exactly.

12 Q. How often do those kinds of situations occur,
13 those kind of pre-IEP team conversations where there's
14 kind of a little bit of a disagreement or kind of your
15 team having to push back a little bit?

16 A. Well, it's mainly with the classroom teacher.
17 I wouldn't say that it's with the administrators. I
18 think it's more of when we're in conversations with the
19 people, like the teacher and the para and -- well, I
20 guess that's just two mainly -- but the ones that are
21 at their wit's end.

22 You have some teachers crying. You know, they
23 don't know what else to do for this child or they're
24 frustrated, you know, with the behavior or they've
25 gotten hurt or just different scenarios like that.

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1 But that's where most of -- because they
2 think -- they think and they feel like they've done
3 everything they can do. So they're like, okay, you
4 know, they just need to go to GNETS or HLC.

5 But we're having to explain, you know, that
6 there's a process, that this and this is happening,
7 and, you know, you can try this, and almost trying to
8 calm them and let them step back I think a little bit
9 more.

10 It's not so much as the county is trying to,
11 like, throw them away and we're, like, no, you can't
12 send them. You know, you're not being good enough to
13 them. It's more of almost like a de-escalating the
14 situation kind of thing, and then a lot of times it's
15 with that classroom teacher, the majority of the time.

16 Or I can remember maybe like a newer
17 administrator or a special coordinator who doesn't
18 understand the whole process. But other than that, I
19 mean, not much problems like that, you know, or not
20 push back. It might just be they don't have something
21 in the documentation that they need.

22 They may have even done it. It's just not
23 there. Like, sometimes we'll get in conversations and
24 say, well, I mean, if you have some ABC data. Oh, well
25 I got that. They're not realizing that they already

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1 have what we really are looking for or what they can
2 potentially have.

3 So those are the types of things that I mean
4 when we're having those conversations, not like we're
5 in an IEP meeting or the team is just -- some are
6 wanting to go and we're wanting them not to go or
7 whatever.

8 Q. What is ABC data?

9 A. That is Antecedent, Behavior, Consequence. So
10 the antecedent is like what happens before the
11 behavior, and then you have the behavior, and then what
12 happens after the behavior.

13 And the consequence is what happens after the
14 behavior, but it could be positive or negative, you
15 know. If I hug you, that's the behavior, you know.
16 And if you hug me back, then that was the consequence.

17 So we have to explain that to people, too,
18 that consequence doesn't always mean a negative.

19 Q. What is the purpose of ABC data?

20 A. That helps with establishing -- you kind of
21 use that in your FBA, Functional Behavioral Assessment
22 because you're trying to find out what the function of
23 the behavior is.

24 So ABC data helps us do that. It breaks down
25 the behavior almost in, like, smaller parts. It just

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1 gives you more information about the behavior, and that
2 way you can create a strong behavior and intervention
3 plan which is a bit -- I'm sorry.

4 Q. You were talking about how during the
5 observation and consultation process there can be
6 discussions between your Harrell staff and the
7 classroom teacher and possibly some other school staff.

8 Are there any kinds of trends in terms of
9 where students who are referred to Harrell come from in
10 terms of which classrooms they're coming from?

11 Are they coming from self-contained classrooms
12 or general education classrooms?

13 A. Okay. For the counties who have
14 self-contained classrooms in our OK RESA district, they
15 normally go there first. They normally try to, like,
16 if they went from inclusion, they weren't working in
17 inclusion, they would try the self-contained.

18 So for the smaller counties, typically it's --
19 it can be inclusion for the smaller counties, but a lot
20 of times most counties can try them in some
21 self-contained first, like a smaller setting first.

22 And we kind of push that. I push back on the
23 ones coming straight from inclusion because to me
24 that's not a natural next step. You're in inclusion
25 co-teaching, and you might be in a class with 25 kids,

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1 30 kids, and you're just getting co-teaching.

2 And I thought like that natural next step, if
3 the county has that available, would be a
4 self-contained class in your county.

5 Q. Earlier we were talking about a continuum.
6 Can you tell me a bit more about what you mean by
7 continuum?

8 A. It's sort of like that. I feel like you go --
9 children go from Gen Ed, you know, in with nondisabled
10 peers.

11 And then once they experience difficulties or
12 have their own, like, learning disabilities or whatever
13 their issue is and they qualify for special ed, then
14 they naturally would flow into like an inclusion
15 classroom depending on the level of disability.

16 And so just speaking on behavior kids alone,
17 naturally they would go from Gen Ed to inclusion and
18 it's like a little bit more restrictive you know,
19 you're going from one adult and 25 kids and now you're
20 in two adults, 25 kids.

21 And then you can pull small groups, which is
22 what I used to do when I was in co-teaching. And from
23 there, like I said, the next -- the more restrictive
24 would be a self-contained class because now you're
25 being pulled out of inclusion where there's SPED and

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1 Gen Ed kids and two teachers. Now you're only in with
2 SPED kids in most likely a smaller setting.

3 And then from there then you would go to
4 something like GNETS or other types of separate
5 schools. Other sites have separate schools. They're
6 not called GNETS, of course, but separate schools.

7 Actually to back up, GNETS could be
8 school-based. So you could go through a self-contained
9 class first. Then you could go to the GNETS classroom
10 in your county. It might be in a different school than
11 your home school.

12 Then for us who are center-based, we don't
13 have any school-based classrooms, so we would be after
14 the self-contained LEA class, we would be the next
15 step. And then what we've typically seen, kids -- the
16 next step would be like residential or we've had some
17 do home-based instruction over the years or -- well,
18 no, hospital homebound. No, I'm sorry. Residential
19 would be considered hospital homebound and then
20 home-based instruction. Sorry.

21 It's just gradually, the continuum, it's like
22 it gradually gets more restrictive, but our hope is
23 that we can back down it, to go backwards, less
24 restrictive.

25 Q. For counties that do not have self-contained

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1 classrooms, what do you want to see them do with a
2 student or try with a student prior to having the
3 student come to GNETS?

4 A. I mean, it would really depend on -- it's an
5 individual basis, you know, per kid. But, I mean,
6 honestly, I think I would prefer like to show that
7 they're doing some kind of pull-out.

8 Even if it's not a self-contained class, I
9 would think that that child needs a person, some time
10 with a person. If it's like an emotional-based type
11 thing, then I would think that they would need
12 counseling.

13 And if you're trying to refer them to a
14 therapeutic environment, then are they hooked up with
15 Unison already. Are they hooked up with Cord of Three,
16 which is another counseling agency around here. I
17 would ask those kinds of questions. And I ask
18 questions like what kind of medications are they on. I
19 mean, have y'all looked at every single thing all the
20 way around.

21 I would hope that they would at least do like
22 some type of pull-out like an hour a day or 30 minutes
23 a day or a couple of times during the day to just pull
24 that child and try to do some interventions with them
25 or get down to the bottom of what's going on.

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1 Q. Earlier when we were talking about the
2 referral process, you mentioned that there's a
3 confidential student information packet.

4 A. Uh-huh.

5 Q. And you said in that packet there are lots of
6 special education records. Where does that packet come
7 from?

8 A. The LEAs. Normally it is the special ed
9 coordinator at the school and sometimes the special ed
10 director. Just however their county does it.

11 Q. Has an IEP team determined a student should be
12 placed in GNETS but you independently determined the
13 student's placement in GNETS would be inappropriate?

14 A. No. Like, you're saying everybody, all the
15 members of the IEP team, says that the least
16 restrictive should be GNETS and then I say no?

17 Q. Yes, that situation, or if just some members
18 of the IEP team?

19 A. No, no. Well, I take that back. Yes, a
20 parent has been the one to say no, I don't want him
21 going there. Now, I have had that happen. And then
22 sometimes they still came because we invite them to
23 come walk through.

24 We invite them to come meet the teachers to
25 try to make them feel better about it, and we really

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1 believed in the kid needing the services we provide.
2 Or I know I can think of one out of the ones that
3 didn't. I don't know what happened with the rest. But
4 one just took him out and home-schooled him.

5 But that's the only time I ever remember
6 getting in an IEP meeting and someone is just, like,
7 we're pretty much in consensus saying this is what's
8 best to try and that the one or whoever people were
9 like, no, it was the parent.

10 Q. What have parents said in those kinds of
11 conversations?

12 A. Well, in a lot of things they say it's the
13 stigma of GNETS.

14 MS. JOHNSON: I'm going to object to the form
15 of that question.

16 BY MS. ADAMS:

17 Q. You can answer.

18 A. Ma'am?

19 Q. You can answer.

20 A. Can you ask me again?

21 Q. So we were talking about when parents are
22 saying that they don't want their student to attend
23 GNETS. And I was asking you what parents were saying
24 in those conversations.

25 MS. JOHNSON: Same objection.

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1 MR. NGUYEN: You can answer the question.

2 THE WITNESS: Okay. What they communicate to
3 us is like some of the bad things they've heard about
4 GNETS and that because there's this negative stigma on
5 GNETS, or some of them don't want their child -- they
6 have communicated they don't want their child to drive
7 out of the county because we're out of the county,
8 their home county.

9 And then that's really the only two that I can
10 I think of that they've said. But, again, we'll try to
11 tell them to come see that we're different, basically.

12 BY MS. ADAMS:

13 Q. How far do some families have to drive in
14 order to get their student to the Waycross or Camden
15 site?

16 A. I believe that our furthest county is Charlton
17 County. I can't remember if that is -- it's between
18 them. I know that Charlton is close to -- it's an hour
19 away almost, I think. It might be like 45 minutes.

20 But, anyway, that's the furthest, that and
21 maybe Coffee County. They're about 40 minutes also.
22 So those are our furthest counties.

23 Q. You mentioned that parents have sometimes
24 talked about the negative stigma of GNETS. What do you
25 mean about that?

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1 MS. JOHNSON: Object to form.

2 THE WITNESS: Just it's -- I mean, just like
3 it's a bad -- they'll say it's like a bad thing. You
4 know, it's not a good thing.

5 I mean, I really don't have any detail on
6 that. It's just they'll say things about knowing --
7 like, I know in one meeting, in particular, a parent
8 said well, I know so-and-so that comes here. You know,
9 and I don't give in until you know who that is.

10 But they'll say basically they know who --
11 what kinds of kids come here and they don't, you know,
12 necessarily want their child around that. And, you
13 know, sometimes their child is doing the same behavior,
14 you know.

15 But, I mean, that's just been what's been
16 said. But, like I said, we always try to be positive
17 and encouraging about it.

18 BY MS. ADAMS:

19 Q. You mentioned that one parent decided to
20 homeschool their child instead of have them come to
21 Harrell.

22 A. Yeah.

23 Q. Do you know why that parent made that
24 choice?

25 A. I'm not sure. I don't remember it being -- I

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1 don't remember there being a conversation about any
2 kind of stigma or anything like that. I do remember
3 just not wanting them to come, you know. And I want to
4 think that that's the one they ended up moving.

5 So I don't know if this was the scenario where
6 she was kind of on the fence, regardless or whatever,
7 and just didn't want another change. But I don't
8 remember the details really, to be honest. I just know
9 that it wasn't about the stigma of the school. That
10 one was not.

11 She just was dead set on my kid is not going
12 there. And then we heard not too long after that -- I
13 mean, it's been a couple of years but that they moved
14 or whatever. That might not have had anything at all
15 to do with GNETS really.

16 Q. Do you or anyone on your staff have to approve
17 the decision for a student to be admitted to Harrell?

18 A. No. I mean, well, you can't -- a SPED just
19 can't call me and say, hey, I'm sending Sally over
20 tomorrow. You know, there's procedures that we have,
21 and we have to stick to them and all the checks and
22 balances kind of thing.

23 So I don't know if approve is the word. I
24 mean, I have to be notified and I have to be a part or
25 one of our centers has to be in the IEP team. So I

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1 don't know if I would use approved, but we have to
2 communicate and be involved in the process for them to
3 be able to come.

4 Q. Is there anybody that has final say about
5 whether a student can finally come to Harrell?

6 A. Just the IEP team.

7 Q. Has Harrell ever declined to accept a
8 student?

9 A. We send recommendations back, like my wording
10 is actually that this is not -- or there's not
11 sufficient documentation to show that this is the least
12 restrictive environment at this time, you know.

13 And then it might be like, hey, see my
14 recommendations or see my team's recommendations or
15 whatever. So that's how we do it.

16 Q. How often does that happen?

17 A. I'm not sure.

18 Q. Does it happen every semester?

19 A. No. I would say -- I mean, I would say that
20 some years it may be like once a year, or it might be a
21 couple of times that year. But I don't really have a
22 count.

23 Q. How often do you receive initial requests from
24 counties to have observation or consultation
25 conversations?

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1 A. I wish I had my chart. I would think in a
2 year I might have maybe ten would be a safe number to
3 say. Sometimes less, sometimes more. You're just
4 saying referrals, right?

5 Q. (Nodding.)

6 A. Yeah, I would say that.

7 Q. Does your program accept or agree to
8 participate in all requests for observations and
9 consultations?

10 A. Yes.

11 Q. When was the last time that your program sent
12 a recommendation saying that your recommendation is
13 that the student's least restrictive environment would
14 not be GNETS?

15 A. I can't remember.

16 Q. Has it happened this -- I'm sorry.

17 A. I know last school year.

18 Q. Do you know how many times it happened last
19 school year?

20 A. I don't.

21 Q. Do you know if it's happened this school
22 year?

23 A. I was trying to think when you asked me that.
24 No, I don't think so.

25 Q. What percentage of students who have been

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1 referred to GNETS have actually been accepted or
2 recommended to be here from your team?

3 A. I'm not sure.

4 Q. Would you say it's the majority of students
5 who are referred or actually admitted or placed at
6 Harrell?

7 A. I would say so because we have a smaller
8 number being referred. And then the way that our
9 processes are I would say, yeah, majority.

10 Q. Do you believe that every student currently
11 participating in Harrell GNETS should be participating
12 in GNETS as opposed to being back with their county?

13 A. Yes.

14 Q. We've talked a lot about the general process
15 for referring students to Harrell. Is there a
16 different referral process than the one we've been
17 discussing for students who move to Georgia from a
18 different state?

19 A. The process is pretty much the same. They
20 have to send all the documentation. But some of those
21 might be considered like direct transfers if their last
22 environment was matching up with ours. Like, if they
23 were at a separate school for behavioral concerns or,
24 you know, whatever, we still communicate back and
25 forth.

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1 The SPED directors and myself communicate back
2 and forth just to make sure of what type of school
3 because, you know, an alternative school is also a
4 separate school, but it's not a special therapeutic
5 school necessarily.

6 So we look through the documentation together.
7 They don't just call or email me and, hey, I got a --
8 well, they might try -- I need your documentation,
9 please. Let's make sure we get this child in the right
10 environment, you know. But, you know, we have checks
11 and balances on that to.

12 Q. Is an IEP team still the final decider of
13 whether a student from a different state ends up at
14 Harrell?

15 A. Yes. Typically, they have like a transfer
16 meeting when a new kid comes in. And so the IEP meets
17 on that to Basically they're giving us a heads-up on, I
18 guess, a potential that this child could be.

19 So we have a recommendation -- I mean, not a
20 recommendation, a representative at the meeting. So if
21 that's what the team decides to continue doing, then we
22 can be there to answer questions.

23 Q. The IEP team that is involved in the
24 conversation about a student who's moving from a
25 different state, is that IEP team made up of staff from

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1 a county in Georgia or are they from the different
2 state that the student is coming from?

3 A. Typically, I believe that they are from
4 Georgia. It's the school that they're enrolling in,
5 their staff and then my staff and parents.

6 Q. Is there a different admissions procedure than
7 the ones we've discussed for students who are from a
8 different part of the state?

9 So not from the counties that normally refer
10 to you but a different part of the state altogether.

11 A. If they move -- one of the Coastal or the
12 Camden kids that was Coastal transferred to the
13 Waycross site, but they're like an automatic transfer.

14 If they're being served in the GNETS right
15 now, my site, and say they moved to Camden County, it
16 would be an automatic transfer.

17 They could just -- as long as they followed
18 their school's enrollment procedures, I mean their
19 county's enrollment procedures, they can start the next
20 day as long as they have all the paperwork.

21 There doesn't have to necessarily be an IEP
22 meeting. But I think I've heard of parents requesting
23 an IEP meeting. I mean, it hasn't happened with us.

24 But I've heard in other conversations that
25 they might request one because they might be trying to,

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1 you know, get them in a different setting or something
2 or asking about a different setting potentially, I
3 guess.

4 But that hasn't happened with us. I haven't
5 had that experience.

6 Q. If a student was coming from, for example,
7 Atlanta and was being considered to transition to
8 Harrell GNETS, how would that referral process be
9 different from the process that we've been
10 discussing?

11 A. Are they already a GNETS student -- I mean,
12 started in a GNETS in Atlanta?

13 Q. Let's first talk about an example where they
14 are not currently a GNETS student in Atlanta.

15 A. Okay. So, no, they wouldn't automatically
16 come to my school. They would have to enroll in their
17 county. They would have to be in whatever their last
18 setting was, inclusion, self-contained, whatever, in
19 the LEA. The only way that they can come directly to
20 us is if it said separate school GNETS on their IEP.

21 So for that one, no. They would have to start
22 in the county. They would have to do their own data.
23 They would have to -- they can ask us to do observation
24 and recommendations, I mean, strategies and things.
25 But they can't just automatically come. For a student

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1 that was served GNETS there, then they would be a
2 direct transfer.

3 Q. Okay.

4 A. And they could start immediately or, you know.

5 Q. Is there a different admissions procedure than
6 the ones we've been discussing for students who are
7 released from residential treatment?

8 A. We still follow the paperwork. Like, if they
9 were served in GNETS first and they moved or they've
10 gone to residential, when they come back or when they
11 enter into another county or one of our counties, they
12 still have to gather all the paperwork and the team
13 meets.

14 That one is not as easy. I mean, that one is
15 not as cut-and-dry. It just depends on the certain
16 situation with the child I guess is how I'd answer that
17 one.

18 But it goes back to the county and having an
19 IEP team meeting, unless they left from a GNETS, went
20 to residential, and their last placement in their LEA
21 was GNETS, then they would still come directly to us,
22 you know, if they were at another GNETS.

23 But let's just say they were in the county
24 being served, they went residential, they wouldn't
25 automatically come to our school and then come back.

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1 We'd still have to have a meeting and make sure that's
2 the right placement.

3 Q. Is there a different referral or admissions
4 process for students who have been released from a
5 long-term stay in a hospital?

6 A. The same thing would happen as I just
7 described at the IEP meeting. There would have to be a
8 meeting. All the data, everything about the student,
9 brought to the table and then we'd decide.

10 I mean, generally those do end up coming to us
11 because of their therapeutic need. But what I've seen
12 over my experience is the ones who maybe do short-term
13 things or maybe just went for like a medication tweak,
14 they don't necessarily -- I mean, they don't
15 automatically come.

16 That was what they needed to get back on
17 track, and then they're, you know, able to stay in
18 their last setting, like self-contained or even some
19 inclusion. Because I don't believe there is a kid that
20 has some type of emotional issue that needs to leave
21 inclusion or even the self-contained just to come to
22 GNETS just because they had that going.

23 Q. We've mentioned that Harrell is one of many
24 GNETS programs across the state.

25 A. Uh-huh.

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1 Q. Let's talk about how the program is
2 structured. Which counties are currently served by
3 Harrell?

4 A. We serve Atkinson County, Bacon County,
5 Brantley County, Coffee County, Clinch County, Pierce
6 County, and Ware County.

7 Q. Do you serve -- I'm sorry.

8 A. Is that seven or eight? I think I missed
9 one.

10 Q. Do you serve Charlton County?

11 A. Charlton, yes. Yes.

12 Q. Do any of those counties have the ability to
13 refer a student to a school-based GNETS site?

14 A. No, not in our RESA district.

15 Q. How long has the Waycross site been operating
16 as a Harrell GNETS site?

17 A. I'm not sure. I know -- I want to think like
18 three decades, but I'm not a hundred percent sure.
19 It's been a long time.

20 Q. The Waycross site has always been operating as
21 a Harrell GNETS site as long as you've been at
22 Harrell?

23 A. Oh, yes, yes.

24 Q. Prior to 2022 when Camden became another site,
25 had Harrell ever had more than one GNETS site?

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1 A. No.

2 Q. While you have served as director at Harrell,
3 has your program served any students from a county not
4 included in the counties that we just mentioned?

5 A. No.

6 Q. Have there ever been any changes in the
7 counties served by Harrell since you've been
8 director?

9 A. No.

10 Q. How many students are currently enrolled in
11 the Harrell GNETS program for the current school
12 year?

13 A. 74.

14 Q. Is that any different from the number of
15 students who were enrolled at the beginning of the
16 school year?

17 A. Possibly because we've gained -- I mean, you
18 gain and lose, so the number might be close to the
19 same. I don't know what was recorded at the very
20 beginning. But we've received some students and lost
21 some students, so it might be close.

22 Q. The students who have left the Harrell program
23 since the beginning of this school year, did they
24 transition back to their counties?

25 A. No. If they left and moved or -- well, hold

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1 on. Let me think. I mean, we've have some partial
2 transition. But, no, the ones that we're not counting
3 on our roster all -- they've moved.

4 Q. When you say they've moved, do you know if
5 they've moved to other parts the state or to different
6 states?

7 A. I'm not sure.

8 Q. How many students did you have at Harrell last
9 school year?

10 A. I'm not sure of the exact number. I'd have to
11 see my chart.

12 MS. ADAMS: I would like the court reporter to
13 mark this next document as Exhibit 767.

14 (Plaintiff Exhibit 767 marked.)

15 BY MS. ADAMS:

16 Q. You have been handed Exhibit 767. This
17 document was produced by Harrell to the United States.
18 The internal temporary reference number that we have
19 assigned to this document is Harrell_TEMP_000294.

20 Do you recognize this document?

21 A. Yes.

22 Q. What information does this document contain?

23 A. It gives the enrollment numbers for the
24 last -- or three school years, three school terms.

25 Q. Did you prepare this document?

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1 A. Yes.

2 Q. Am I correct that there were 88 students
3 enrolled at Harrell in the 2021/2022 school year?

4 A. Yes.

5 Q. And there were 82 students enrolled in the
6 2020/2021 school year?

7 A. Yes.

8 Q. And 88 students enrolled in the 2019/2020
9 school year?

10 A. Yes.

11 Q. What are the lowest and highest grade levels
12 currently served in the Harrell program?

13 A. Well, we serve K through 12, but we don't
14 currently have a kindergartner.

15 Q. What is the most common disability diagnosis
16 for students at Harrell?

17 A. I mean, I would say EBD and then possibly as a
18 runner-up, autism.

19 Q. Do you have a sense of what percentage of
20 students at Harrell have EBD as their diagnosis?

21 A. I don't, no.

22 Q. What about for autism?

23 A. No.

24 Q. Are there any other disability diagnoses
25 prevalent among your current students?

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1 A. I mean, we have others who have, like, OHI.
2 That's typically it.

3 Q. What is OHI?

4 A. Other Health Impairment.

5 Q. Do you believe that Harrell is an appropriate
6 place for students with OHI?

7 A. I do depending on their behaviors and their
8 data.

9 Q. Why is GNETS an appropriate placement for
10 students with OHI?

11 A. It depends on what their needs are, really.
12 It's not blanket for OHI, but I feel like if their
13 behavioral needs and emotional needs just -- they just
14 happen to have an OHI label, then we're appropriate to
15 address their needs. Then I feel like we're
16 appropriate.

17 Q. Are there certain situations where a student
18 with an OHI diagnosis may not be appropriately served
19 at a GNETS program?

20 A. That would be an individual basis based on
21 their individual behaviors and needs. So it would
22 depend on the individual student.

23 Q. Do you have any students at Harrell with
24 intellectual disabilities?

25 A. I want to think that we have one right now.

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1 I'm unsure. I don't want to say because I can't
2 honestly remember if her area is that or not.

3 But she is served on like an adaptive
4 curriculum. That doesn't necessarily mean that she is,
5 but I can't remember to be honest.

6 Q. Have you had students with intellectual
7 disabilities at Harrell in the past?

8 A. I'm not sure. I want to say no, but I'm
9 unsure. I don't want to lie.

10 Q. If a county came to you to discuss a student
11 who had an intellectual disability, are there any
12 particular questions or concerns you might have about
13 having that student at Harrell?

14 A. Yes. Again, it depends on their behavior and
15 I guess in their county, what parts of the continuum of
16 services that they have, you know.

17 But I would think that it, again, depended on
18 the individual student. And then in my head I'm
19 thinking of a student like that being very, very
20 physically aggressive or something along those lines,
21 not just because they're low functioning and, you know,
22 whatever their academic needs are or whatever, or even
23 like social needs.

24 I'm thinking of those kinds that are highly,
25 highly physically aggressive. If the data supports it,

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1 then I would take care of that kid to. But, naturally,
2 it would be individual, yeah, case-by-case.

3 Yes, I would say -- it just hit me. I know
4 for a fact at least one. I served a child with MID in
5 our building. It just hit me. I just thought about
6 it.

7 Q. What is MID, you said?

8 A. The intellectually disabled.

9 Q. Is that student still at Harrell?

10 A. No. He passed away.

11 Q. I'm so sorry to hear about that.

12 A. I thought about somebody else that jogged my
13 memory. Like, wait a minute, that was his label or his
14 eligibility area.

15 MS. ADAMS: I would like the court reporter to
16 mark this next document as Exhibit 768.

17 (Plaintiff Exhibit 768 marked.)

18 BY MS. ADAMS:

19 Q. You have been handed a copy of Plaintiff's
20 Exhibit 768. This is a copy of an email thread dated
21 December 14, 2018. The email subject is Re GNETS
22 Enrollment Info.

23 The first page is stamped GA00337967. Please
24 take a moment to review and let me know when you are
25 finished.

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1 (Witness reviewing document.)

2 THE WITNESS: Yes.

3 BY MS. ADAMS:

4 Q. Do you recognize this email thread?

5 A. Yes.

6 Q. The first email from Ms. Cleveland located on
7 the second page of this document was sent at 11:48 a.m.
8 Am I correct she provides you Harrell enrollment
9 numbers reported by you as of December 14, 2018?

10 A. I don't remember if this was -- she was
11 telling me the numbers, like their numbers that they
12 had for us. I don't remember if this is like a number
13 I reported actually.

14 Q. Okay.

15 A. Because the reason I say that is because what
16 I said at the top asking what the count was for,
17 because there was a fluctuate or whatever.

18 So I don't know if this was a number that I
19 reported or if this was a number that they showed us
20 having through like FTE or whatever through GADOE.

21 Q. Okay. So in Ms. Cleveland's email she's
22 providing enrollment numbers that she somehow obtained
23 for Harrell. And those numbers were current as of
24 December 14, 2018, correct?

25 A. Yes.

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1 Q. And she also provides the fiscal year 2018 FTE
2 count?

3 A. Uh-huh.

4 Q. What is FTE?

5 A. That is the funding -- oh, gosh. Every
6 student is counted under FTE, and that's how they earn
7 their funding. So the FTE count would have been what
8 the county reported is how I'm thinking what GADOE is
9 showing possibly.

10 Q. As in the number of students for that fiscal
11 year?

12 A. Yes.

13 Q. Am I correct that in her email Ms. Cleveland
14 tells you that the difference between the Harrell
15 enrollment as of December 14, 2018, and the FY2018 FTE
16 count is 29 students?

17 A. Yes.

18 Q. And she tells you that she needs to know who
19 the students are that transitioned back and what
20 services they are currently receiving and the
21 location?

22 A. Right.

23 Q. Am I correct that, in your response to her at
24 11:53 a.m., you tell Ms. Cleveland that Harrell
25 enrollment fluctuates so much? That's on the top of

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1 the second page.

2 A. Oh, yes, yes.

3 Q. What did you mean when you said the enrollment
4 fluctuated?

5 A. Well, I was confused obviously. Well, I was
6 confused because FY18 count, when it was counted,
7 because of the difference. Because I'm usually not off
8 on differences.

9 And FY18 would actually be the 17/18 year, and
10 this number reported 12/14/18 is actually FY19. So
11 that's kind of confusing unless she's calling that --
12 anyway, what was your question? I'm sorry, I'm
13 thinking outloud.

14 Q. That's okay. I was wondering what you meant
15 by the enrollment fluctuating.

16 A. I know that depending on when it's collected
17 or whatever, counted, we have students who either have
18 left or haven't enrolled yet or have moved or have
19 transitioned out. I mean, there's all kinds of
20 different ways.

21 And for there to be that big of a number, from
22 what I can remember, I just would have questioned why
23 it's that big of a difference. But I don't know the
24 rest of it. I don't remember the rest of it to know
25 where it went from there.

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1 But fluctuating means that we change
2 enrollment. Like kids come, kids go, move in, move
3 out, and transition so...

4 Q. In Ms. Cleveland's email she mentioned that
5 she wanted to know if there were students who were
6 transitioning back. How common is it for students to
7 leave Harrell GNETS and then return to Harrell GNETS at
8 some other point?

9 A. We've probably only had a -- you mean leaving
10 my site and then leaving and then coming back to my
11 site?

12 Q. Yes.

13 A. Because they moved or because they
14 transitioned out?

15 Q. For any reason.

16 A. Any reason. Okay. I've only had a handful
17 possibly that have, like, left or moved and then they
18 moved back to Waycross. I have had only -- well, only
19 a few to attempt transition, and it didn't work and
20 they came back over the last couple of years.

21 I can think -- in my building right now, I can
22 I think of maybe only two, you know, that have tried to
23 transition and they wanted to come back. They were,
24 like, I can't do this, I don't want to do this, or they
25 showed out and we got down to the bottom of it. It was

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1 that they can't do it or they don't want to do it.

2 But there's more that have, like, left and
3 moved and come back. And that happens too, you know.

4 Q. Is transportation provided for students
5 attending Harrell?

6 A. Yes.

7 Q. Who provides the transportation?

8 A. Each county transports their own kids, and we
9 do have some car riders.

10 Q. Who pays for the transportation?

11 A. Each LEA pays for it.

12 Q. We talked a little bit about the counties that
13 are served by Harrell that are furthest away from
14 either the Camden or the Waycross site.

15 What is the typical length of transportation
16 for students participating in your program?

17 A. Like one-way I would think maybe an hour tops.
18 Is that what you mean, like the time?

19 Q. (Nodding head.)

20 A. Okay. I think it takes Ms. Trull about an
21 hour to get from Charlton. She's the bus driver for
22 Charlton County. It takes her typically an hour.

23 Q. Do any of the transportation routes require
24 students to transfer from one bus or one vehicle to
25 another to get to their final destination?

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1 A. To my knowledge, only one county does that
2 where they have to meet another bus and get on. I
3 think only one county does that.

4 Q. Which county?

5 A. Brantley, because the students are spread out
6 all over the county, and they live way out in the
7 country or one lives in town. So I think they do it
8 that way there. That's the only county that I remember
9 being told really that ever does that.

10 Q. What is the approximate length of time that
11 that total trip takes for the students in Brantley
12 County?

13 A. I'm not sure.

14 Q. Is it more than an hour?

15 A. I'm not sure because it's I think 25 minutes
16 to Nahunta, which is where like the center, the main
17 town is. But I'm not sure past that. I know it takes
18 25 minutes to get from Waycross to there, so I would be
19 assuming yes, maybe, but I'm not sure.

20 Q. Do you have any groups of students at Harrell
21 who arrive later than the official school start time on
22 a regular basis?

23 A. This year Brantley but it's because --
24 normally it's not but it's because of drivers. You
25 know, it's within their transportation department --

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1 nothing to do with us or the students -- but something
2 with their drivers maybe. Missing drivers -- or, I
3 mean, not missing drivers but lack of drivers. I think
4 they're having to pick up other people's routes.

5 Q. Do you have any groups of students in your
6 program who leave earlier than the official end time on
7 a regular basis?

8 A. No.

9 Q. Does Harrell keep attendance records of which
10 students attend Harrell each day?

11 A. Yes.

12 Q. Who collects that?

13 A. Teachers put it into our student information
14 system. And the secretary, my Harrell secretary, she
15 reports that out to each school. There's one school
16 contact. Each county has one school contact per
17 school.

18 So she sends attendance out to them. Excuse
19 me, she sends out absences. So they are to assume that
20 they are present, and she reports absences to those
21 schools.

22 Q. Returning to what we were discussing a little
23 bit earlier in terms of transportation, you mentioned
24 that due to a lack of drivers in Brantley County
25 there's been a group of students who arrive to Harrell

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1 later than the official start time on a regular basis.

2 How much later do students arrive after the
3 official school start time?

4 A. It's about probably only like 10, 15 minutes
5 if it's different days. And that's only been going on
6 the last -- well, just right before Christmas break,
7 but it's about 10, 15 minutes.

8 Q. Going back to attendance records, you
9 mentioned that your secretary sends absences to the
10 various counties where the students are -- the counties
11 where the students were coming from.

12 Does your secretary share those attendance
13 records with anybody else?

14 A. No.

15 Q. Does anyone review that attendance data?

16 A. Yes.

17 Q. Who does?

18 A. Well, we keep up with it. But the counties,
19 they follow their policy about attendance and things
20 like that. So if they have a policy that after the 5th
21 absence or unexcused or something, we try to follow
22 through with that.

23 And they'll let us know sometimes -- some
24 counties let us know and we'll talk to the parent
25 because we can get the parent on the phone, whereas

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1 they won't answer their phone calls.

2 Or some counties take care of it themselves,
3 but we just make sure they have the data they need, you
4 know, the attendance or whatever and they reach out.
5 And then any, like, letters that need to go home or
6 whatever paperwork, they can email it to us or they can
7 send it on the bus if it's confidential or send it to
8 the portal and then we'll send it out.

9 Q. What's the portal?

10 A. The Georgia Department of Education has a
11 secure portal where you send -- like, if I wanted to
12 send something to you with my Social Security number on
13 it, I would send it through there and it's secure
14 instead of, like, through email or something.

15 Q. Do you discuss Harrell attendance data with
16 anyone?

17 A. Only the certain schools or the parent.

18 Q. For a student to be in attendance on a given
19 school day, what proportion of the school day must they
20 be present?

21 A. We follow the policies of the counties, and I
22 believe if they check out before 11:00, they're absent.
23 I'm pretty sure all counties are that way. So it's got
24 to be the majority of the school day.

25 Q. What is your average daily attendance rate

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1 approximately?

2 A. Oh, I would say high 90s. I mean, they're
3 rarely absent.

4 Q. Are students ever asked to stay home or are
5 students ever sent home due to their behavior?

6 A. If they've been -- if they have an OSS day
7 they're sent home. Now, if someone has to come for
8 like a major crisis, an emotional crisis, they will go
9 home with their parent sometimes. But it's not that
10 we're making them go home. It's if the parent was
11 there.

12 And it would probably just be in the best
13 interest of the child, you know, because it reached
14 that level of emotional, you know, emotionality that
15 they're exhausted or they can't come down or, you know,
16 they're nauseous now or whatever or just can't get
17 themselves together, they'll go home.

18 But we don't just send them home, you know,
19 unless it's for a consequence. And then we don't do
20 OSS much, sending them home either, because we try to
21 take care of everything in our building and keep them
22 in school. So that has to be something pretty rough,
23 pretty bad.

24 Q. When you say OSS, you're referring to
25 out-of-school suspension?

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1 A. Yes, ma'am.

2 Q. How often do students receive out-of-school
3 suspensions?

4 A. Very rarely.

5 Q. Have any students received an out-of-school
6 suspension this school year?

7 A. Yes.

8 Q. How many?

9 A. I'm not sure of the number. Review --

10 Q. I'm sorry.

11 A. I'm sorry.

12 Q. Is it more than five different students?

13 A. No, no.

14 Q. You mentioned that sometimes students will go
15 home because they're having an emotional crisis and
16 sometimes their parents will be there.

17 Why might a parent already be on campus when a
18 student is having an emotional crisis?

19 A. They were called in. We call them in. Not
20 for everything, but if it's reaching a certain level or
21 if they're maybe having like suicidal comments or
22 making suicidal comments or threatening harm to others
23 and, you know, we just can't bring them down.

24 But more so when it's more of like a
25 suicidal-type thing or either trying to harm themselves

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1 or talking about harming themselves, we immediately
2 call parents and let them know.

3 And I would say the only other reason that we
4 send them away from our campus is if they're going to
5 the hospital for an evaluation. Like, if our threat
6 assessment shows that they kind of -- I don't like to
7 say that in this way, but kind of score out, like, you
8 know, you have a plan. You've told us all these
9 details. We need you to go get checked out.

10 We'll send you away that way too. But our
11 center always follows the parent to the ER with the
12 paperwork and makes sure they're all set before they
13 leave.

14 Q. How often do students have emotional crises
15 that result in them leaving the campus during a school
16 day?

17 A. Very few. It's not very often at all.

18 Q. Has that happened this school year?

19 A. Yes.

20 Q. How many different students did that happen
21 to?

22 A. I would say this school year so far less than
23 five.

24 Q. How many of those students were taken to the
25 hospital?

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1 A. At least half. I'm trying to think. I mean,
2 that would be pretty accurate.

3 Q. For students who are given out-of-school
4 suspension, what kind of behavior would lead to them
5 receiving out-of-school suspension?

6 A. That is reserved for people who -- students
7 who, like, physically assault somebody purposely, like
8 physically attack the teacher or has a history of
9 fighting, not on the first fight. Like, if they get in
10 a fight with another peer, not the first one.

11 But if it's like being kind of chronic, you
12 know, the third or fourth time you do that, that would
13 result in that. But we try not to suspend our students
14 at all. It just has to be to that -- like a
15 next-level-type thing. And we don't have very many
16 that do those kinds of things.

17 Now, I will say that, like, if we ever -- we
18 haven't had a lot of drug or vaping and smoking and
19 things like that. If we have stuff like that, we've
20 had very little, a few things happen that way. But we
21 always refer to the county for those type of things,
22 like we try to align with their procedures for handling
23 that type of behavior.

24 And so that would be the only reason that we
25 might do an OSS if that's the county policy and that's

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1 what they told us to do. Because I always consult with
2 them about behaviors that are, like, extreme, those
3 type of things.

4 Q. When you say that a student could receive an
5 out-of-school suspension for physically assaulting
6 someone on purpose, how does Harrell determine whether
7 a student physically assaults someone on purpose?

8 A. Oh, I was going somewhere with that, I'm
9 sorry. Yeah, I mean, that's just like walking up to
10 you and like a punch in the face or, you know, pushing
11 a staff member down, kicking them or whatever. Because
12 some of our kids do hit us when they're in an emotional
13 state, and it's not on purpose. They're not coming
14 after you.

15 I mean, I've been elbowed in the eye here
16 before, and I did not suspend that child because I
17 just -- I was probably too close. I can't remember the
18 details, but I just remember me getting elbowed. And I
19 was not about to suspend them and put an OSS on the
20 record because I know he did not mean to do that. He
21 was in an episode, you know.

22 Or if two students are fighting each other.
23 And it's the first time they're fighting, and I jump in
24 trying to split them up and I get hit. You know, they
25 technically hit an adult but not on purpose.

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1 So we try to do that because they get in their
2 emotions. That's why they're there. And we try to
3 only assign the consequences to something that you're
4 making a conscious choice, I'm going to walk up to you
5 and do something to you. So we try to keep it even
6 like that or clear, not even.

7 Q. You mentioned that there was at least one
8 student who received an out-of-school suspension I
9 believe you said this school year. Do you remember the
10 reason why the student received the out-of-school
11 suspension?

12 A. It was for fighting, but he had been kind
13 of -- I can't think of another word. It's not chronic.
14 Chronic means like all the time. But he had picked
15 fights and done it several, several times and so that
16 was like, you know, that's why he got that.

17 Q. Are there any other examples of students who
18 received out-of-school suspension for the school year
19 where you remember the reason for the suspension?

20 A. It's pretty much only when they're physically
21 assaulting someone. I don't think there's anything
22 else.

23 Q. When a student leaves school during the school
24 day, either for an emotional crisis or some other
25 reason, is that departure always reflected in the

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1 attendance record?

2 A. Yes.

3 Q. How is --

4 A. Well, let me take that back. It might not
5 necessarily go into our student information attendance
6 system, but we have a contact log and we note it there.
7 It's noted that they left and why they left.

8 But our system that we use, it's not very
9 friendly as far as like comments. You can't -- it's
10 not easy to put in comments so we keep it in a separate
11 spot. But we notate for every kid when we have to
12 contact the parent, in general what it was about, and
13 then, like, if they left early and why we put a little
14 code there.

15 Q. This contact log that you're mentioning, is
16 that something that you send to the counties?

17 A. No, it's in-house, I mean, unless they request
18 it. Like, why was Johnny absent or what happened with
19 Johnny. We can always refer back.

20 Or if they get a call, well the teacher told
21 Johnny he could bring his, you know, pet dog to school,
22 we're, like, no, she didn't, and then we can go back.
23 Well, let me look on February 1st, go in there and
24 look. Maybe she did, you know, just to verify things.
25 But, no, we don't send that anywhere.

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1 Q. So, for example, if a student went home early
2 from school because of an emotional crisis on, say
3 today, the Harrell staff would note that in the contact
4 log, but the county would assume that that student was
5 present for the full school day?

6 A. No. In that case if they left early, they're
7 either going to be considered absent or left early.
8 But present, we would let them know. We let the
9 counties know that. We do let them know that.

10 Q. Okay. But it's not through the official
11 attendance record that you have it. It's some other
12 way?

13 A. Well, we still email it, but I was just saying
14 that it's not in our attendance program that they --
15 which they don't log into that either. That's why we
16 have to email. It's like a separate student
17 information system just for our school.

18 So we don't necessarily put it in that every
19 time because of its own glitches but we report it out,
20 yes, because it would change their attendance. Like,
21 if they left before 11:00, they would technically be
22 absent, but we want them to know why so there's a
23 record.

24 Q. Do your attendance rates affect funding that
25 you receive in any way?

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1 A. I don't think so.

2 Q. Are students ever asked to stay home or are
3 students ever sent home due to lack of staff?

4 A. Never until COVID. We did send students -- I
5 can't remember -- I don't think they made it. So I
6 think we basically said -- like, our whole hospital
7 team had COVID one time. So we had to say that we
8 would -- that those students would not be
9 transitioned -- not transition -- transported and that
10 we would provide, you know, work or online work.

11 Because we had it set up where with all that
12 going on, we had it set up where they were receiving
13 instruction even when they were not on campus because
14 we didn't want them to lose.

15 But that's been the only time because we have
16 substitutes. I mean, they're far and few between, but
17 we have substitutes that come in or we have staff we
18 can kind of move around to compensate so that
19 instruction continues.

20 MS. ADAMS: Okay. We can go off the record.

21 THE VIDEOGRAPHER: Going off video record at
22 2:38 p.m.

23 (Recess.)

24 THE VIDEOGRAPHER: We are now back on video
25 record 2:49 p.m.

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1 BY MS. ADAMS:

2 Q. Ms. Livingston, from your experience of
3 Harrell, what is the shortest length of stay that
4 you've seen from the time a student begins receiving
5 GNETS services to the time that they are fully
6 transitioned back into a general education
7 environment?

8 A. What has been the shortest?

9 Q. (Nodding head.)

10 A. I'm not sure.

11 Q. Do you have an approximate sense?

12 A. I'd feel comfortable saying like one school
13 year. So, like, two semesters.

14 Q. What is the longest length of stay that you've
15 seen from the time the student begins receiving GNETS
16 services to when they are fully transitioned back to a
17 general education environment?

18 A. I would have to answer probably one of my
19 seniors right now. He's been there since I've come.
20 But he's one of ours that doesn't -- like won't
21 transition. So he didn't transition. He's just still
22 there.

23 You asked about transition. I don't know.
24 Would that be my answer? Because he's not necessarily
25 transitioning, but he doesn't -- we have discussed

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1 transition and we have encouraged transition, but he's
2 still there. So he will be the longest. So that's
3 been -- this is the seventh year.

4 Q. Since 2017?

5 A. Uh-huh.

6 Q. What about the longest length of stay for a
7 student who actually has fully transitioned back to a
8 general education program?

9 A. Let's see. Probably -- approximately maybe,
10 like, maybe five semesters. We look at -- I'm saying
11 semesters because we look at them after semesters. So
12 we look at them the second semester -- I mean, after
13 the first semester and after the second semester, more
14 so my older ones. Yeah, that's probably the longest.

15 Q. You mentioned that you have a student who is
16 currently a senior and has been at Harrell since 2017.

17 How many students are there at Harrell who
18 have gotten to the GNETS program at some point since
19 you've been director and are still currently there now?

20 A. Oh, I don't know. I'm unsure of a specific
21 number. Just in attendance, I mean.

22 Q. Do you think it's more than five students?

23 A. Oh, yeah. There's more than five. Now, like
24 without transitioning at all or have we tried? Because
25 I have some that we've tried and --

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1 Q. If you could --

2 A. -- they might have come back or whatever.

3 Q. Yes, I'm thinking inclusive of students who
4 have left and come back as well.

5 A. Okay. I would say a little less than half.

6 Q. And you currently have about 70 students, so a
7 little bit less than 70?

8 A. Yeah, I mean, half.

9 Q. I'm sorry a little bit less. Half of 70.

10 Okay. For the students who have been at
11 Harrell for an extended period of time, are there
12 specific resources or supports that are committed to
13 those particular students that help them transition out
14 of GNETS?

15 A. Our biggest focus is like the counseling and
16 then their scheduled counseling sessions throughout the
17 day -- I mean throughout the week. And then we have
18 outside agency counseling on top of that that's more
19 intensive or -- yeah, I guess that's the word.

20 And then just the relationships that they've
21 built in our building because I know there's been a
22 couple that I've encouraged. Like, I brought up the
23 idea, like, hey, don't you want to transition? Don't
24 you want to go? We can even start with basketball or,
25 you know, start with something they like.

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1 Definitely if they are one of those that wants
2 to hang around and it's getting close to high school,
3 I'm, like, listen we need to try a class. You know, I
4 want to push them to do that.

5 But they get there, I mean, and they -- I
6 mean, it's mostly the kids, but parents, to when they
7 get there they don't want to leave, you know. So we
8 try to encourage them to go out. Did that answer your
9 question?

10 Q. Yes, thank you.

11 A. Okay. I lost track.

12 Q. Do you review data regarding the average
13 length of time that students are enrolled in Harrell?

14 A. I have. We've looked at every student. I
15 want to think it was two years ago I looked at every
16 file. I looked at every file. I looked at the reason
17 they came in.

18 I looked at the dates they came to us, their
19 enrollment date. I looked at their FBAs, their BIPs,
20 their IEPs. And it took a couple of months to look at
21 all of that. So I do periodically, yeah, review that.

22 Q. Who collects this data?

23 A. I mean, it's just data in our school that's
24 collected all along.

25 Q. So various GNETS staff collect the data?

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1 A. Yeah.

2 Q. And you said you looked at that data about two
3 years ago. Have you looked at it since then?

4 A. Not in that manner. Not in that capacity. I
5 mean, I dug through every file. But we look at data on
6 the students every nine weeks and then every semester.
7 We do what we call data triangulation. And at the end
8 of each nine weeks, we do data triangulation.

9 So we'll do it with the elementary teachers,
10 and we look at every elementary kid. We look at their
11 academics, their behavior, what other services they're
12 getting.

13 And then our behavior specialist or counselor,
14 whichever one, reports on their sessions like themes,
15 not "detail" details. But, anyway, we just look at
16 every kid that way after each nine weeks.

17 Q. We've talked about the shortest length of time
18 that a student is at Harrell and the longest. Do you
19 have a sense of the average length of time that a
20 student is enrolled at Harrell?

21 A. I'm not sure.

22 Q. Do you have an approximate sense?

23 A. I'm not sure because we have some that have
24 been there a while and then we have some that have not.
25 So I don't know. I'm not sure.

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1 Q. Would you say it's over one year?

2 A. Yes, I would say over one year.

3 Q. Would you say it's more than three years?

4 A. Overall, I'm not sure.

5 MS. ADAMS: I'm going to hand the court
6 reporter what was previously marked as Plaintiff's
7 Exhibit 82.

8 (Plaintiff Exhibit 82 marked.)

9 BY MS. ADAMS:

10 Q. You have been handed Plaintiff's Exhibit 82.
11 The top of the document is titled 160-4-7-.15, Georgia
12 Network for Educational and Therapeutic Support GNETS.

13 Do you recognize this document as the 2017
14 GNETS rule issued by GADOE?

15 A. Yes.

16 Q. Are you familiar with that document?

17 A. Yes.

18 Q. How are you familiar with that document?

19 A. This is the rule that I was referencing
20 earlier that kind of guides, you know, or should guide
21 how we function as a GNETS and with our LEAs.

22 Q. Have you received any training on it?

23 A. It's been presented to us. I wouldn't call it
24 training.

25 Q. Who has presented the rule to you?

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1 A. I mean, it's been discussed in our GNETS
2 directors' meetings.

3 Q. Who has discussed it with you?

4 A. I would say Vickie and then the other
5 directors that were before me -- or, I mean, not before
6 me but, like, I know when I first came on, I had, like,
7 a mentor, GNETS director kind of person or a friend,
8 new friend, and we would talk about stuff, or in the
9 directors' meeting, like, Vickie might reference it or
10 whatever. So I'm aware.

11 Q. How often is the GNETS rule discussed with
12 you?

13 A. Not very often. It's just like it's there and
14 use it as a guideline.

15 Q. Do you have any written guidance or manuals
16 about the GNETS rule?

17 A. I'm unsure. I don't know that there's a
18 manual, no. And this is the guidance, so I don't think
19 there is guidance about this. So I'm comfortable
20 saying no.

21 Q. Let's turn to the bottom of the second page
22 and look at Provision 2(f). Do you see that?

23 A. Uh-huh.

24 Q. It states, "The IEP team will assess at least
25 annually whether the student with disabilities is ready

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1 to transition to a less restrictive setting.
2 Progress-monitoring data aligned with IEP goals should
3 be reviewed to determine if the student is ready to
4 receive a free appropriate education in a lesser
5 restrictive environment."

6 Is that correct?

7 A. Yes.

8 Q. Are you familiar with this provision?

9 A. Yes.

10 Q. How is this provision relevant to your role at
11 Harrell?

12 A. I mean, this is done every time -- I mean,
13 every year they have their IEP meeting, you know, it's
14 brought up in some way, either by my staff and
15 sometimes the student.

16 I've been in a meeting before with a student
17 that blew us all away, you know, and we didn't know he
18 was going to bring it up. We were like "hey." And
19 then the parents bring it up sometimes.

20 So it's just whoever -- I mean, we always
21 address it, but it just depends on, I guess, the
22 opinions in the group whether it moves forward or not.

23 Q. What is Harrell's goal with respect to exiting
24 students from GNETS?

25 A. Our goal is to help fix where they're broken,

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1 you know, give them the supports to make it out there
2 with GNETS peers or just a bigger group of, you know,
3 more than ten people.

4 Self-control, a growth mindset, and we want to
5 transition out as many kids as we can. And we'll
6 even -- not that we have to. I'm just saying I don't
7 mind being the bad guy or being the one that the --
8 whoever is mad in the meeting, if I want to stand up
9 for the kid, you know.

10 So I feel like that's our end goal, and we
11 don't roll them out like I would like to, to be honest.
12 But that's our end goal is for every one who -- every
13 one of them who can go out there and try it, try it.
14 Who can go out and be successful long-term that's what
15 we want too.

16 Q. You said you don't roll them out like you
17 would like to. What do you mean by that? What keeps
18 you from being able to roll them out like you would
19 like to?

20 A. It's more the student. I mean, like I say
21 some of those we almost have more confidence in them
22 than they do sometimes. Like, the ones who don't want
23 to leave or, you know, don't want to go transition, I
24 would like, you know, for those you can do this. I
25 know that you can do this more than you can, or I feel

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1 like you can do it more than you can.

2 Those are the ones that you want to just, you
3 know, go. Go do it. But we would like to see more is
4 what I meant by that rolling out. I would like to see
5 more of them go than what we have actually, the numbers
6 going or at least going to try it. But a lot of the
7 kids are a lot of the reason they're held back, not the
8 adults, if that makes sense.

9 Q. Is there a goal for how long students stay at
10 Harrell?

11 A. No.

12 Q. Does Harrell conduct any analysis about
13 whether its goal for -- does Harrell conduct any
14 analysis about whether its goal for exiting students is
15 met?

16 A. I mean, we really don't have like a goal to be
17 able to analyze. I mean, like, our goal is kind of up
18 in the air. We want as many of y'all to go as we can,
19 but we don't have a goal like we want to have 12 people
20 exiting this year and then look at it and did we meet
21 it, you know. So I don't think we can look at it in
22 that manner.

23 Q. Are there students who spend their entire
24 academic career at Harrell?

25 A. I'm unsure about that because even the one I

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1 told you that was there since I've been there, I don't
2 know when -- off the top, I don't know when he started.
3 So I'm not sure.

4 Q. Are there students who spend a large portion
5 of their academic career at Harrell?

6 A. Yes.

7 Q. Does Harrell currently have any standardized
8 exit or transition criteria?

9 A. No. It's all their IEP goals and then the
10 other stuff I've talked about that's kind of -- we look
11 at IEP goals. That's kind of the standard criteria.
12 But then we also factor in their wants and needs and
13 perceptions and emotions about it all to, which is --
14 that's the hard part.

15 Q. Are you familiar with the Georgia Milestone?

16 A. Yes.

17 Q. What is that?

18 A. That's the state assessment, end-of-course or
19 end-of-grade assessment.

20 Q. Are you familiar with the Georgia Alternate
21 Assessment or GAA?

22 A. Yes.

23 Q. What is that?

24 A. That is the assessment for students on an
25 adaptive curriculum.

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1 Q. Does exit criteria differ for students who are
2 GAA students or Milestone students?

3 A. Typically not. They're still the IEP goals.

4 Q. You said typically. Are there any
5 circumstances where exit criteria might differ for
6 either of those categories?

7 A. The only thing I can I think of is just some
8 of our nonverbal autistic students who were physically
9 aggressive, you know, they might be meeting their goal
10 that's on paper but -- I don't know how to say it.

11 They look like they're meeting their goals,
12 but they still cannot maintain in a group bigger than
13 like four students or something like that. So it's
14 like -- it does sound very contradictory.

15 You know, they're meeting their goals, their
16 IEP goals, but they're meeting it because they're in
17 the environment that's suitable for them, if that makes
18 sense. So, yeah, a little bit of it is different, I
19 guess. It looks different.

20 Q. Should the IEP goals for those students that
21 you're referring to include goals that allow them to
22 maintain outside of the environment at Harrell?

23 A. I'm not sure about that because then how would
24 we monitor them, you know. Or you mean like -- do you
25 mean setting a goal, like that is your goal to be -- or

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1 are you saying to set a goal that's going to be
2 accomplished in that setting.

3 Q. (Nodding.)

4 A. I don't think we would be able to do that
5 because they're not in that setting.

6 Q. I'm trying to understand a bit how Harrell
7 staff supports a student who is like you described,
8 nonverbal, has autism, and is meeting their IEP goals,
9 but there might be something else that's making it
10 difficult for them to transition.

11 How do you support that student in achieving
12 all of their goals so that they can actually
13 transition?

14 A. Well, the student I thought about when I
15 was -- or the couple that I was thinking about when I
16 was saying that, those are actually like the goals they
17 come in or they came in with because they're recent.

18 And we don't change goals when they come in
19 because those were the issues when they were out there.
20 So when they come in, that's when we're seeing they
21 receive the supports like the one-on-one, the tailored
22 instruction, the behavioral support, the smaller
23 classroom environment.

24 All of that is kind of contributing to --
25 contributing to their success. But now if we were to

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1 send them back where they just came from, they would
2 not -- most likely not be meeting those goals. Well,
3 to add to that, which eventually is taken care of
4 because their goals are changed when they have another
5 meeting. I mean, we don't just let them sit with the
6 same goals.

7 So if they are meeting those goals, then like
8 midterm when we've had them, there's no certain amount
9 of weeks, I mean, we need to have had them at least
10 like a semester to know what they're doing I would say
11 at least. There's no hard number.

12 But at least get to know them. And if they're
13 meeting their goals, okay, then what goals are they not
14 meeting or do they need new goals. Then we'll amend
15 the IEP, change the IEP and add different goals.

16 Q. How are the IEP goals communicated to
17 students?

18 A. To students? Verbally. We have behavior --
19 we have academic and behavior conferences at the end
20 of -- we have them at the end of each nine weeks for
21 the data triangulation. Sometimes it's not at the
22 exact timeline because their IEP might come up at a
23 different time in the end of the nine weeks.

24 You might have a September IEP -- I mean, I'm
25 sorry, you might have, yeah, a September IEP, so you're

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1 talking about their goals with them before the end of
2 the nine weeks which is, you know, later.

3 But we have during the data triangulation like
4 a window that we have teachers meet with students and
5 talk about, you know, this is your behavior goal and
6 your IEP. We'll teach them -- the little ones we teach
7 them what the IEP is, what the behavior goal is, what
8 does this mean.

9 And then so they typically talk about the
10 behavior goal. And then, okay, what do you think you
11 can do to meet this goal? What do you think or what do
12 you think you do not need to do to meet this goal,
13 whatever the case is.

14 And then they also do that with academics.
15 They sit them down, this is your academic goal. You're
16 only reading 12 words correctly per minute. We want
17 you to read, you know, 28, and ask them, you know, how
18 they feel about that because we're trying to be
19 therapeutic. How do you feel about that? What do you
20 think you can do to do this?

21 And then you kind of set this plan together.
22 That's just how we cover our IEP goals instead of
23 here's your IEP and you're in second grade, you know.
24 But we do that for high schoolers, too, all the way
25 up.

1 Q. When an IEP team meets and decides that the
2 IEP goals need to be updated, are there any other exit
3 criteria that are also updated?

4 A. The IEP goals are basically the exit criteria.
5 Now, we add other information in like the things I was
6 talking to you about like their emotional state or, you
7 know. Like, I'll tell you one thing that we don't put
8 as a goal is, like, a goal not to say you're going to
9 kill yourself. You know what I mean. And a lot of our
10 kids do say things like that.

11 So that might be something that's mentioned in
12 the -- I don't know where. You know, they might put in
13 the impact statement of the IEP. But they put it in
14 the IEP somewhere so that it's there.

15 And if he just up and moves to California
16 tomorrow, they'll know the whole kid is how my people
17 write their IEPs. But things like that wouldn't be an
18 IEP goal.

19 And if you're continuously saying that, we can
20 word something in the goal like, you know,
21 inappropriate comments. But somewhere in there it
22 needs to be specific, and I don't ever want that to be
23 an IEP goal.

24 So that needs to be considered. That would be
25 the only other thing that I would think, outside of our

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1 normal IEP criteria, that we would consider that I can
2 think of right now.

3 Q. Could you envision a situation where a student
4 has completed all of their IEP goals but is still
5 expressing or experiencing some kind of suicidal
6 ideation that prevents you from feeling comfortable
7 from recommending that they transition?

8 A. We've had the situation like that. And that
9 just means that my teachers aren't -- well, they are
10 writing a good IEP but, obviously, we need to hone in
11 on something a little bit different or word it
12 differently, like I said, so we could -- that they can
13 kind of meet their goal without saying such a harsh
14 thing.

15 So we would just have to reword or, you know,
16 create a new goal basically. Because, obviously, if
17 they're meeting all that, then you would think if
18 everything was good and they're meeting their goals,
19 they wouldn't be in the state of mind to say those
20 kinds of things anymore, but then we wouldn't feel
21 comfortable sending them off still in that state of
22 mind.

23 So it really just boils down to, you know,
24 writing an appropriate goal to fit. That one is just a
25 hard one. That is probably the hardest one is the

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1 suicidal-type thing. Because you can say threats and
2 things like that but to yourself. Anyway, sorry, I ran
3 around the block on that one.

4 Q. When was the last time that that kind of
5 situation happened?

6 A. When they were meeting their goals and then
7 still had that?

8 Q. (Nodding head.)

9 A. Well, I think we had a situation last year
10 where the student, he was actually transitioning and --
11 no, it was not that, meaning 2022. We were going to
12 transition him. He had two classes at the high school.
13 We were going to transition him full time. Like, he
14 was great, he's smart, he's been showing much -- I
15 mean, very much improvement, being responsible.

16 And he had something traumatic happen with his
17 mom going into the hospital, and we ended up having to
18 back off because he said I'm not doing it. Like, he
19 was going to go all the way back. And he's, like, I'm
20 not going to high school.

21 I'm, like, yes, you've got to. You cannot go
22 backwards kind of thing. Okay. So that was the
23 situation where we backed off of that because
24 everything looked great. But he sabotaged himself,
25 basically, self-sabotage.

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1 But we figured out why because he was having
2 this happen at home, and it just sent him back
3 emotionally to. So that was the latest scenario, so we
4 just kept him at two classes. We talked him into
5 keeping two classes instead of going to four.

6 So our plan is for him to start back full time
7 next year in the fall, but that was all circumstantial.
8 That was just -- had that not happened with his mom, he
9 probably would be full-time at the high school right
10 now, you know. But it got pretty bad there.

11 Q. Are there any other examples that you can
12 think of where that kind of situation happened?

13 A. Not right off. Sometimes it's just in them
14 like not wanting to leave. I don't know how else to
15 explain that. It's almost like -- I take it as a
16 compliment, because y'all love us and don't want to
17 leave us.

18 But at the same time it's hard to explain.
19 Like, well, they've met all their criteria or they've
20 met their goals. We're struggling. Like the senior I
21 told you about, we struggled having a goal for him, you
22 know. We know he still has some emotions that he has a
23 hard time dealing with but nothing like he was in the
24 past.

25 He's not hurting anybody. He's not hurting

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1 himself, but you couldn't get him to walk out those
2 doors and go to transition. So he's a senior now, but
3 he's one that over the years that we talked about,
4 people talk about like the GNETS center being shut down
5 or having to be sent back into schools, you know,
6 because it's not fair and all this.

7 He's the one that I actually worry about
8 because of that. He would be more lost and traumatized
9 to be sent to the high school than staying with us, you
10 know. But, anyway, I can't think of another specific
11 scenario besides, you know, those couple.

12 Q. What does transition look like for a Harrell
13 student?

14 A. Typically, we try to -- in high school it has
15 to be like a course, you know. And it's really
16 whatever they're comfortable with. Normally the high
17 school, they recommend one class.

18 And then so if we agree with that well, yes,
19 we agree, everybody is recommending one class. Now,
20 I've had maybe one or two that were maybe, like, I
21 might recommend two classes. But it just depends on
22 their academic abilities to You don't want to overwhelm
23 them if they're struggling academically.

24 We also look at their strength area. If
25 there's strength in math, we maybe want a math or

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1 science type of course. If they don't have an academic
2 strength, we encourage like maybe the PE. Like,
3 especially if they haven't had health and PE yet, we'll
4 recommend that.

5 And then like middle grade kids and
6 elementary, we do courses like -- or parts of the day
7 because we have to align partial days with our days.
8 We want to make sure they're not missing -- you know if
9 they're going to be gone in the morning, we've got to
10 make sure that they're getting LEA there, and we make
11 sure that they get math and science and everything else
12 at our school.

13 So we typically try to schedule together with
14 the LEAs so that we're taking care of the whole kid,
15 and they're still getting their counseling because you
16 don't want them to drop off that either.

17 But counties that are far like, let's see,
18 Douglas or Charlton, we've had to do where they go a
19 day or two days. They might do Tuesday, Thursday, or
20 something like that because by the time you get there
21 and back you're wasting their academic time,
22 instructional time. So we start out with maybe a day
23 or two days, so that's how we do it. We don't want
24 them to miss instruction.

25 Q. Okay.

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1 MS. ADAMS: I ask that the court reporter mark
2 this next document as Plaintiff's Exhibit 769.

3 (Plaintiff Exhibit 769 marked.)

4 BY MS. ADAMS:

5 Q. You've been handed Plaintiff's Exhibit 769.
6 This is a copy of an email thread dated December 17,
7 2018, with the subject Re IEP Services.

8 The page on the top has been marked
9 GA00338096. You can review the document and let me
10 know when you're finished.

11 (Witness reviewing document.)

12 THE WITNESS: Okay.

13 BY MS. ADAMS:

14 Q. Do you recognize this email thread?

15 A. Yes.

16 Q. Am I correct that in your first email sent at
17 9:16 a.m. you state, "I had a question about the
18 current IEP services column. When students withdraw
19 and move, we don't always know their services in their
20 new location especially if they move out of county.

21 Also, if a student transitions back to home
22 county, we can't see their IEP once they are no longer
23 served here to know exact services. I know change in
24 service would have been discussed in the transition
25 meeting, but once the county gets the student back, for

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1 whatever reason, they determine self-contained
2 inclusion, co-teaching, et cetera and amend the IEP as
3 their team sees fit."

4 Did I read that correctly?

5 A. Yes.

6 Q. Why were you emailing Ms. Cleveland and
7 Ms. Stevenson about services students receive after
8 their transition from Harrell?

9 A. I was trying to think. The only -- IEP
10 services column? The only thing I can I think of is
11 they were asking us for information. I don't remember
12 if that is -- I can't think right now clearly if that
13 is in our -- I don't think that's in our strat stuff
14 that we submit.

15 I'm trying to let it sink in for a minute to
16 try to help myself remember. The only thing I can
17 think of is they were requesting that information. And
18 I was explaining to her I don't know where to get this
19 information from or that I thought I might have missed
20 something. Like, am I supposed to be tracking these
21 kids after they move away and didn't know that I was.

22 That's the only thing I can think of because I
23 don't remember if when I was digging through all the
24 files, I told you I had to look at every file and we
25 had to -- we had to submit information.

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1 It could have possibly been then, but I don't
2 know for sure because that's not the time. I don't
3 know if that's the date, the school year. That would
4 have been FY19.

5 Q. Does GADOE still ask you for information about
6 the services that students receive after they
7 transition from Harrell?

8 A. I haven't been asked, no, huh-uh. That's what
9 I'm saying. It's not in our normal strat thing. But a
10 couple of years ago we were asked to submit information
11 on each student and that was -- that's the only thing I
12 can I think of it might be.

13 Because the next time I remember being asked
14 that I think was when I was asked to like send stuff to
15 y'all that y'all requested, and I still didn't have
16 those numbers.

17 Q. Okay. When you said we don't always know
18 their services in their new location, were you stating
19 that Harrell staff do not know what services, if any,
20 students receive after students exit Harrell?

21 A. Like, if they move away or if they fully
22 transition out, we know what was decided in the IEP
23 meeting when we left. They might be going to the
24 self-contained class.

25 But to speak on them a year after the fact or

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1 whatever, no, we don't. And then we don't -- for up
2 until a couple of years ago, we didn't have -- we had
3 to log in under each county's Infinite Campus or Power
4 schools or whatever, their student information system.

5 Well, we didn't always have access to them
6 after they left us. So as soon as they were gone from
7 the county or gone from us, they removed our access or
8 they were gone.

9 So that's what this is probably about is just
10 that information because I keep up with whether our
11 kids have graduated if they're with us, you know, and
12 their services, of course. But that's the only thing I
13 can think of what that was about.

14 Q. Okay. Thank you.

15 A. And it sounds like they were asking about that
16 day.

17 MS. ADAMS: I'm going to ask the court
18 reporter to mark this next document as Plaintiff's
19 Exhibit 770.

20 (Plaintiff Exhibit 770 marked.)

21 BY MS. ADAMS:

22 Q. You have been handed what has been marked
23 Plaintiff's Exhibit 770. This document was produced by
24 Harrell to the United States. The bottom of the first
25 page is Bates-stamped with the internal temporary

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1 reference number that we have assigned
2 Harrell_TEMP_000883.

3 The document is over 50 pages long, and I'm
4 not going to ask you about every single page. I will
5 guide you to look at specific pages, and I will mainly
6 focus on the last 17 pages. But please feel free to
7 take a look, and let me know when you've had a chance
8 to review.

9 (Witness reviewing document.)

10 THE WITNESS: I'm good.

11 BY MS. ADAMS:

12 Q. Do you recognize the information in this
13 document?

14 A. Yes.

15 Q. What information does it contain?

16 A. This is our GNETS grant application.

17 Q. What is the GNETS grant application?

18 A. It's just a yearly submission that we have to
19 do as directors, answering the questions, putting in
20 the numbers, student, staff. But we call it different
21 sections of information about students, staff, the
22 program.

23 Q. Did you prepare this document?

24 A. Yes.

25 Q. Let's turn to the page stamped

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1 Harrell_TEMP_00023, which is towards the end of the
2 exhibit.

3 A. 923?

4 Q. 923.

5 A. Okay.

6 Q. It contains the heading Student Transition
7 Form. Do you see that page?

8 A. Yes.

9 Q. Am I correct that this page contains a chart
10 with the first column listing the name of school
11 districts?

12 A. Yes.

13 Q. Does the second column state returned to home
14 school, slash, district?

15 A. Yes.

16 Q. And the fifth column states residential
17 placement, all short-term stabilization?

18 A. Yes.

19 Q. Looking at the second column, how many
20 students transitioned back to their home schools or
21 districts during the 2022 fiscal year?

22 A. Four.

23 Q. Let's turn to the page stamped
24 Harrell_TEMP_000905, which is towards the middle of the
25 exhibit. It also contains the heading Student

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1 Transition Form but lists information for fiscal year
2 2021.

3 A. Yes.

4 Q. Looking at the second column, how many
5 students transitioned back to their home schools or
6 district during the 2021 fiscal year?

7 A. Five.

8 Q. Let's turn to the page stamped
9 Harrell_TEMP_000887, which is towards the middle of the
10 exhibit. It also contains the heading Student
11 Transition Form but lists fiscal year 2020.

12 At the top left-hand corner -- excuse me.
13 Looking at the second column on this page, how many
14 students transitioned back to their home schools or
15 districts during the 2020 fiscal year?

16 A. 17.

17 Q. Why do you think there was such a significant
18 difference in the number of students who transitioned
19 to their home schools or districts in the 2021 and 2020
20 (sic) fiscal years compared to the 2020 fiscal year?

21 A. I'm not sure.

22 Q. How many students have transitioned back to
23 their home schools or districts in the 2023 fiscal
24 year, this current fiscal year?

25 A. I'm not sure.

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1 Q. Do you expect the total number of students who
2 transition back to their home schools or districts this
3 fiscal year to be any higher or lower than in past
4 years?

5 A. I'm not sure. I don't really anticipate
6 anything, I guess. This is an individual basis so...

7 Q. Okay. Looking back at the page stamped with
8 the last three numbers 887, let's look at the fifth
9 column labeled Residential Placement.

10 How many students transitioned to residential
11 placement during the fiscal year for 2020?

12 A. Five.

13 Q. Why might have a student at Harrell GNETS
14 transition to a residential placement?

15 A. Heavy suicidal ideations and attempts. We've
16 had students go from -- I mean, for like animal
17 cruelty. I mean, it happens outside of school. Like,
18 we've had very few go from school, if that makes sense.

19 Like the major ones that have to go have been
20 basically 1013 outside of school. And then the ones
21 that have been from our assessments is, like I told you
22 we send them to the ER to get assessed, those are
23 normally suicidal only.

24 But I did think about something with this.
25 The way that we are marking, going back to your

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1 previous question --

2 Q. Uh-huh.

3 A. -- I think the way that we were marking these
4 like this for that year, return to home school district
5 could have been -- and I'd have to go back and look to
6 make sure -- but it could have been I was counting
7 everybody that went at all and then later interpreted
8 it differently like this is people who have gone back
9 full time.

10 So I'm thinking this number, if you look at
11 2022, that four might not be true either because we're
12 not looking at any partial transitions when this one
13 might have been looking at everybody.

14 That's the only thing I can think of because
15 looking back at all of this, that doesn't even look,
16 you know, I mean I reported what I had. I'm just
17 saying this doesn't look right. I feel like we've had
18 more than that. But I'm thinking that's full out
19 transition, not partial.

20 Q. Okay.

21 A. That's the only thing I can think of with the
22 difference there.

23 Q. Do you remember any other reason why students
24 in fiscal year 2020 transitioned to residential
25 placement?

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1 A. No, not specifically other than those kinds of
2 things.

3 Q. You mentioned 1013. What does that mean?

4 A. That's just our -- what we use to indicate
5 that they needed to be -- they had a threat assessment
6 done and were sent to the ER or sent to the hospital
7 for evaluation.

8 Q. Do you remember if any of the students who
9 transitioned to residential placement in 2020 returned
10 to Harrell afterward?

11 A. I'm not sure. I'm inclined to say yes.

12 Q. Okay.

13 A. Because I don't remember very many like
14 leaving and not coming back. I think they came back,
15 but I'm not a hundred percent sure of the number.

16 Q. Do you have any views as to whether the GNETS
17 program prevents students from being placed in
18 residential treatment facilities?

19 MR. NGUYEN: Object to the form. You may
20 answer the question.

21 THE WITNESS: Ask me one more time, please.

22 BY MS. ADAMS:

23 Q. Do you have any views as to whether the GNETS
24 program prevents students from being placed in
25 residential treatment facilities?

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1 MR. NGUYEN: Same objection. You may answer
2 the question.

3 THE WITNESS: My personal opinion is that we
4 do what we do in our building. So I don't know if
5 that's going to answer your question because it's not
6 generalized to all GNETS.

7 But what we do in our building, because we
8 have seen it, you know, and we can turn kids around
9 because of our relationships. And I feel like what we
10 do there is very important and that we have stopped
11 some kids from having to go that far.

12 BY MS. ADAMS:

13 Q. Do you have -- I'm sorry.

14 A. I was done.

15 Q. Do you have any thoughts as to whether the
16 Georgia GNETS program, as a whole, prevents students
17 from being placed in residential treatment
18 facilities?

19 A. I would like to think so. But I just can't
20 speak on what they do and how they do it in their
21 building.

22 Q. Do you or anyone on your Harrell program staff
23 collect data relevant to whether the Harrell program
24 prevents students from being placed in residential
25 treatment facilities?

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1 A. I don't think so.

2 Q. In the fiscal year 2022 or the current fiscal
3 year, did any students return to Harrell after
4 transitioning to a less restrictive environment?

5 A. Yes. The one student we spoke about earlier,
6 the traumatic -- the mom, the family issue. Another
7 student who -- two this year. I'm not sure about last
8 year. I don't think so last year, no. This year, yes,
9 though, two.

10 Q. Okay. We're going to move on from this
11 exhibit, but please keep it nearby because we'll
12 probably come back to it again.

13 What are the sources of funding from which
14 your GNETS program receives financial support?

15 A. We have the state grant, we have a federal
16 grant, and then we have like income support from
17 counties.

18 Q. What is the process for receiving a GNETS
19 state grant fund?

20 A. I'm not sure.

21 Q. So we've talked about the grant fund
22 application. Is there any other paperwork that you or
23 your staff is required to complete to receive state
24 funding?

25 A. Not that I do. I don't know if Miss Iris does

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1 or not, but I don't.

2 Q. Do you submit an annual budget with your grant
3 application?

4 A. She does. I don't.

5 Q. Do you provide any information or
6 documentation so that that annual budget can be
7 submitted?

8 A. I send -- all this information that goes into
9 the grant app is the extent to what I send to GADOE.
10 And then I just help her with the staffing pattern just
11 where they're assigned, what they're doing, the
12 teachers and staff. But other than that, no, I don't
13 have anything else to do with the budget.

14 Q. Once your grant application has been approved,
15 does anyone tell you how the state funds can be used?

16 A. No, not me.

17 Q. How do you know if there are any limitations
18 on how the state funds can be used?

19 A. I communicate with Iris.

20 Q. Who tells Iris how the funds can be used?

21 A. I don't know.

22 Q. What kinds of expenses are covered by the
23 GNETS state grant?

24 A. I'm not sure. Well, actually, I know -- I
25 believe salaries. I think I know that part, but other

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1 than that, I don't know.

2 MS. ADAMS: I'm going to ask the court
3 reporter to mark this next document Plaintiff's Exhibit
4 771.

5 (Plaintiff Exhibit 771 marked.)

6 BY MS. ADAMS:

7 Q. You have been handed Plaintiff's Exhibit 771.
8 This is a copy of an email thread with the subject Re
9 Forward GNETS Webinar Link. The first page has been
10 marked GA00318852. You can take a moment to review and
11 let me know when you're finished.

12 (Witness reviewing document.)

13 THE WITNESS: Okay.

14 BY MS. ADAMS:

15 Q. Do you recognize this email thread?

16 A. Uh-huh.

17 Q. Am I correct that in Ms. Cleveland's email
18 dated April 2, 2018, she states, "See the link below to
19 register for this webinar regarding allowable use of
20 GNETS funds. We've had a few questions come up and I
21 think this webinar will be helpful for all."

22 Do you see that?

23 A. Yes.

24 Q. Thank you. In your response on April 9, 2018,
25 you responded to ask Ms. Cleveland if the session was

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1 recorded. Correct?

2 A. Yes.

3 Q. What did you understand Ms. Cleveland to mean
4 by allowable use of GNETS funds?

5 A. I mean, just reading it now, I would think it
6 would just be what you can spend the funds on.

7 Q. Ms. Cleveland stated we've had a few questions
8 come up. Have you had any questions about the
9 allowable use of GNETS funds?

10 A. I don't know -- I'm unsure like through the
11 years. I mean, I may have asked something, you know,
12 that I was asked to ask. But I know that I'm one of
13 the very few, like probably four or five, that do not
14 do their own budget. Like, somebody else does their
15 budget.

16 So I know that in some of the directors'
17 meetings, they'll say things about having to do their
18 budget or ask each other questions, and the majority of
19 the time I have no idea what they're talking about
20 because I don't do my budget.

21 So some of the terms they're using I'm
22 clueless. So I probably should have watched the
23 webinar. But, anyway, I don't recall even getting it
24 after that. So most likely that's what it was about.

25 The thing that I can remember that most

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1 recently that I asked about funds was the ESSER funds
2 because it's for like therapeutic-type things or
3 whatever, and I was trying to -- you know, I was
4 questioning about something I could purchase when it
5 has to be in this other category.

6 So, I mean, that was the only thing I remember
7 asking her specifically about how to do a budget, like
8 spend the money.

9 Q. When you say asking her, who do you mean by
10 her?

11 A. Vickie. Clarify like, hey, I have this idea.
12 Can I -- it was recently. It was at the beginning
13 of -- I want to say at the beginning of this year.

14 But, anyway, that's the only time is if she's
15 asked me to ask something or clarify something or like
16 that one time I asked if I could spend that money on
17 the autism robot thing, social skills guy, and it
18 wasn't covered. So that was it.

19 Q. So sometimes your CFO Iris will ask you to ask
20 Ms. Cleveland questions or sometimes, like this most
21 recent example, you will directly ask Ms. Cleveland
22 questions?

23 A. Right. And it's only if I've asked her
24 something. And she's, like, I'm not sure. You need to
25 get with this and this to see -- like that. I don't

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1 know if it's allowable. So that's the only thing I can
2 think about in the past before this year.

3 Q. And when you ask Ms. Cleveland a question like
4 that, what does she do?

5 A. She'll try to help me find out. She'll try to
6 find the answer. I think we ended up -- I don't
7 remember if she answered me directly or if one of them
8 had to end up getting involved, too, and hash it out or
9 to figure it out.

10 Because, again, I'm like the middleman. I
11 don't know half of what you're talking about, honestly.
12 So we'll probably get it figured out together. But
13 that's what I'm saying. I'm very blind about the whole
14 budget thing because I've never had to do it.

15 Q. Okay. I'm going to ask the court reporter to
16 mark this next document as Plaintiff's Exhibit 772.

17 (Plaintiff Exhibit 772 marked.)

18 BY MS. ADAMS:

19 Q. You have been handed Plaintiff's Exhibit 772.
20 This is a copy of an email thread with the subject
21 ABAS. The first page has been marked GA00320618.

22 You can take a moment to review and let me
23 know when you're finished.

24 (Witness reviewing document.)

25 THE WITNESS: I'm good.

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1 BY MS. ADAMS:

2 Q. Do you recognize this email thread?

3 A. Yes.

4 Q. Am I correct that in your email to
5 Ms. Cleveland you state, "We were wondering if we could
6 use the ABAS for our ASD and low-functioning students
7 in our inspiration classes? Do you think this would be
8 an option?"

9 Do you see that?

10 A. Yes, sorry.

11 Q. Am I correct that later in the same email you
12 state, "We could administer once or twice a year
13 whatever your recommendation would be. I would like to
14 get it added into our budget if so."

15 A. Yes.

16 Q. What is the ABAS?

17 A. It is an Adaptive Behavior Assessment Skill.

18 Q. What is ASD?

19 A. Autism Spectrum Disorder.

20 Q. What is an inspiration class?

21 A. Oh, it's our adaptive kids, the kids who take
22 the adaptive assessment.

23 Q. Why did you want to use the ABAS?

24 A. Just another measure for data in better
25 understanding the students. We use ABAS for our other

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1 kids, not the GAA, the other kids and SDQ.

2 So we wanted to have more information on our
3 adaptive kids, so we were asking that, because they
4 have a schedule for us to complete the ABAS and SDQ,
5 but they always talked about -- but have never
6 mentioned any of those.

7 So I thought I had to ask for permission to do
8 that from her because that was one of my first couple
9 of years. But I found out later that I can just do
10 that with the LEAs, you know, complete the assessments
11 and add them to my budget if I wanted to.

12 Q. Since -- I'm sorry, hold on. Do you know how
13 Ms. Cleveland responded to your request?

14 A. I don't remember if she did actually -- I
15 mean, if it's there. But I don't remember if she
16 did.

17 Q. Do you know what role, if any, Ms. Cleveland
18 has in determining your budget?

19 A. I don't know.

20 MS. ADAMS: I'm going to ask the court
21 reporter to mark this next exhibit as Plaintiff's
22 Exhibit 773.

23 (Plaintiff Exhibit 773 marked.)

24 BY MS. ADAMS:

25 Q. You've been handed a copy of Plaintiff's

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1 Exhibit 773. This is an email thread with the subject
2 FY19 GNETS Budget Allocations. The first page has been
3 stamped GA00326832.

4 You can take a moment to review and let me
5 know when you're finished.

6 (Witness reviewing document.)

7 THE WITNESS: Yes.

8 BY MS. ADAMS:

9 Q. Do you recognize this email thread?

10 A. Yes.

11 Q. Am I correct that Lisa Futch emailed you and
12 others on June 14?

13 A. Yes.

14 Q. In her email, Ms. Futch states, "I put
15 together a chart for us based on our March draft
16 allocations and the allocations we received today via
17 email. It is attached. I think I did this right. Did
18 you all look at the allocations and are you as shocked
19 as I am? Where did the additional 1.7 million go?"

20 Did I read that correctly?

21 A. Yes, ma'am.

22 Q. Am I correct that you forwarded Lisa's email
23 to Ms. Cleveland and asked Ms. Cleveland, did you
24 receive this from Lisa Futch?

25 A. Yes.

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1 Q. In Ms. Cleveland's response to you she states,
2 "I'm meeting with budget tomorrow regarding the
3 allocations. Greg Jacobs emailed to I will update
4 everyone after my meeting."

5 Did I read that correctly?

6 A. Yes.

7 Q. Am I correct that in your response to
8 Ms. Cleveland dated June 15 you state, "Great. Thanks
9 for the update. I appreciate you being our Chihuahua."

10 Is that right?

11 A. Yes.

12 Q. What additional 1.7 million was Ms. Futch
13 referring to?

14 MR. NGUYEN: Object to the form. You can
15 answer the question.

16 THE WITNESS: I believe it was when they saw
17 that we were getting budget cuts. I think she got the
18 budget. She's one of the ones that does her budget.

19 And she got the allocations and noticed that
20 we were cut. I'm assuming that was the total, maybe,
21 and she was asking about it, and then Dr. Jacobs asked
22 to.

23 BY MS. ADAMS:

24 Q. You said that you were thinking about this
25 being a situation when we were getting budget cuts.

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1 What budget cuts are you referring to?

2 A. The GNETS budget cut.

3 Q. And when did that take place?

4 A. Well, it had to have shown -- I'm assuming if
5 it's what I'm thinking of, it was when they gave us our
6 allocations for that upcoming year because this is in
7 June of '18, so it's got to be the budget for the
8 upcoming year.

9 Q. Do you know the reason for the budget cuts?

10 A. I do not.

11 Q. What did you understand Ms. Cleveland to mean
12 when she said she would be meeting with budget
13 regarding the allocations?

14 A. I don't know.

15 Q. What did you mean when you told Ms. Cleveland
16 I appreciate you being our Chihuahua?

17 A. Well, I'll take that back. I took it like she
18 was going to figure out where the cut was or why
19 because that's the reason Lisa reached out to her was
20 like, hey -- or reached out to everybody like, hey,
21 we're missing money here. Why?

22 I took it as that she was -- that if she's
23 speaking with whoever with the budget meeting, maybe
24 she would find that out. And then, you know, because
25 she looks out for us and is looking out for the

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1 program, so I figured that she was going to figure out
2 why we got the cuts or whatever.

3 Q. Do you know what she meant when she said she
4 was meeting with budget who she might have been meeting
5 with?

6 A. No.

7 Q. Do you recall what Ms. Cleveland learned about
8 the missing \$1.7 million?

9 A. I don't.

10 Q. Since 2018 have there been any other similar
11 situations where you or other GNETS directors have been
12 concerned about budget allocations that you have
13 received?

14 A. I do know that our numbers have -- I mean, not
15 the numbers but the budget has been cut since then. I
16 mean, that's the extent of it, you know.

17 Q. How have budget cuts affected your program?

18 A. I guess it hasn't -- well, when we've lost a
19 teacher or a parapro we weren't always able to replace
20 them. I mean, that's staffing basically, yeah.

21 Because I mean other things -- like, the
22 students won't go without like the materials and things
23 like that because the LEAs will always support us.
24 They're good about that. But just that staff members,
25 you know, we haven't been able to fill some of our

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1 positions.

2 Q. How does not being able to fill some positions
3 impact your students?

4 A. Well, for us we, you know, we made sure that
5 they didn't feel it as much as we could, you know. But
6 we just rearranged some things and made the best of
7 what we had.

8 This past year was the first year -- I mean,
9 this year is the first year that, not because of budget
10 cuts, but just because we couldn't re-fill the
11 position. Just interest, people interest, was the
12 first time that we didn't have a certified teacher in
13 our high school math.

14 All my years we've pretty much had somebody,
15 and so they had to do, like, the online program. But I
16 know if that would have happened then that would have
17 been something that would have hurt -- I'm thinking
18 would have hurt the kids.

19 But luckily we didn't have that happen because
20 of the budget. It was just this past year, and it was
21 because someone left. But I could see other programs
22 that it would be hurting them, staff.

23 Q. Would you prefer to have a teacher to be
24 instructing students in person as opposed to students
25 relying on an online course?

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1 A. Oh, yes. Yes.

2 Q. Are Harrell staff funded through multiple
3 funding sources?

4 A. From what I know, I believe that the majority
5 of our staff are funded through state funding and then
6 a few, I think, are from federal. But that's all that
7 I know.

8 Q. Let's refer back to the exhibit containing
9 grant application information. I believe that was --
10 I'm not remembering the exhibit. 770? Exhibit 770 and
11 that was stamped with the last three numbers 883.

12 Let's turn to the page stamped with the last
13 three numbers 921. It contains the heading staffing
14 pattern and it lists information for fiscal year 2022.

15 Does this page contain information for all of
16 the Harrell GNETS staff for fiscal year 2022?

17 A. Yes.

18 Q. Am I correct that this page contains a chart
19 with the first column labeled staff?

20 A. Yes.

21 Q. And the second column states staff type?

22 A. Yes.

23 Q. The third column states state grant?

24 A. Yes.

25 Q. The fourth column states federal VI-B?

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1 A. Yes.

2 Q. And the fifth column states total?

3 A. Yes.

4 Q. Looking at the fourth column, were any of the
5 staff positions federally funded in fiscal year 2022?

6 A. No.

7 Q. So all of the staff positions were state
8 funded in fiscal year 2022?

9 A. Yes.

10 Q. Are all of the staff positions for the current
11 fiscal year state funded?

12 A. I'm not sure.

13 Q. The first row lists secretary, correct?

14 A. Yes.

15 Q. How many of these staff members did you have
16 in fiscal year 2022?

17 A. How many secretaries?

18 Q. Yes.

19 A. One.

20 Q. How many do you have this year?

21 A. One.

22 Q. What are their responsibilities?

23 A. Answering the phones, communicating
24 attendance, communicating or sending report cards,
25 communicating with transportation, communicating with

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1 the -- she's like the in-between between me and the
2 schools, like if a school calls and wants information.
3 Some things she has to get and the rest I have to get.

4 And then just the general -- anything that the
5 secretary does. Makes copies. She also has certain
6 students that request -- we have requests in our
7 building, so when a student feels like they're upset,
8 or they're upset and they feel like they're really
9 getting going or if they feel like they need to speak
10 to someone, their person, they have a request paper.

11 So they'll ask for a request with
12 Miss So-and-so, and it can be any of us, and then
13 they're allowed to go -- we'll, radio and say are you
14 available and she'll say yes or whoever says yes. And
15 so she does that also. She has her certain students
16 that pick her.

17 Q. How many GNETS social workers did you have in
18 fiscal year 2022?

19 A. Let's see. Two.

20 Q. What are their responsibilities?

21 A. They are -- they do the same kinds of things
22 like the requests, some counseling. And then one --
23 well, that's not the same year, but the year before
24 that she would kind of help with IEP stuff and pulling
25 groups.

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1 Q. When you say pulling groups, what do you
2 mean?

3 A. We have individual counseling and then we have
4 like group counseling, but it's more of like social
5 skills. It's not getting into your deep, dark stuff in
6 front of everybody.

7 It's more like social skills kind of things.
8 And then we also pull in some of our PBIS strategies or
9 expectations, I mean, not strategies but PBIS things.
10 So small groups.

11 Q. Do you have any social workers this current
12 school year?

13 A. Not lately as such, no. We have a behavior
14 specialist and then the counseling that we contract
15 with Cord of Three. No one with that title, in other
16 words, yeah.

17 Q. Did either of the two individuals what were
18 labeled social workers for the 2022 fiscal year leave
19 Harrell?

20 A. Yes, yeah.

21 Q. Why did they leave?

22 A. I'm not sure. Well, one moved. Her and her
23 husband moved. And then, honestly, I'm thinking one of
24 those might be the one we have now. So I only can say
25 that one moved. So I think that someone we have now is

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1 still on there.

2 Q. How many GNETS special education specialists
3 did you have in the 2022 fiscal year?

4 A. One.

5 Q. What are their responsibilities?

6 A. I'm not sure who -- that's got to be -- that's
7 probably our behavior specialist is who she's got
8 designated for that.

9 That's our behavior specialist, and he does
10 therapeutic sessions and counseling sessions and -- I
11 mean, like the pull-out, small group sessions and
12 one-on-one therapeutic.

13 Q. How many behavior specialists do you have for
14 this current school year?

15 A. One.

16 Q. How many GNETS teachers did you have in the
17 2022 fiscal year?

18 A. Eight.

19 Q. In the rows dealing with instructional staff
20 there is a row just for new stuff and there's also a
21 row for existing staff. And I see eight existing staff
22 under the GNETS teacher row, and then I also see two
23 GNETS teachers that are listed as new staff.

24 So would that be a total of ten teachers or am
25 I misreading that?

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1 A. No, it would be a total of ten. But I'm not
2 sure -- I'm not sure what that means, like existing and
3 the new, because they were maybe brought on that year.
4 I don't know why she's got it that way, but that should
5 be ten, yeah.

6 Q. Okay. How many teachers do you have for the
7 current school year?

8 A. Nine.

9 Q. How many paraprofessionals did you have for
10 the 2022 fiscal year?

11 A. Eleven.

12 Q. How many do you have this year?

13 A. Oh, gosh. We just lost a couple. I'm unsure.
14 I'm unsure because we lost some and we have subs
15 and it's a mess. What did I say?

16 Q. I think you said you had subs and something
17 about a mess.

18 A. Oh, we have subs and I've moved people around
19 so I was saying it was a mess in my head trying to
20 figure out how many I had because it just all happened
21 like the past week. Two of our paras left. So I'm
22 unsure of the number. I don't want to give you a wrong
23 number.

24 Q. Why did a few of your paraprofessionals
25 leave?

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1 A. One retired and then I don't know the others.
2 They just left.

3 Q. I do not see assistant director listed
4 anywhere in this list. Is that individual missing from
5 this list?

6 A. I'm not sure.

7 Q. Okay.

8 A. I don't do this part.

9 Q. Okay. So the director listed in this chart is
10 likely referring to you, the one person?

11 A. Yes, yeah.

12 Q. Okay. Do any psychologists work for
13 Harrell?

14 A. No.

15 Q. Why not?

16 A. I'm not sure.

17 Q. Do you think it would be helpful to have a
18 psychologist working at Harrell?

19 A. I don't think -- I mean, I'm not sure because
20 I've never had one. But my experiences with the
21 psychologists in the county are -- they pretty much are
22 doing what they do in the counties for us anyway. So
23 there's no difference than when I was in Ware, my
24 experience with the psychologists.

25 And then the way that we work now is if

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1 there's tests that need to be done, for like re-evals
2 or whatever, the counties do it. Like, if they're a
3 Ware County kid, then a Ware County psychologist would
4 come do it.

5 So I've never had the experience of having one
6 in the building. I wouldn't know, you know, pros or
7 cons really because we have our other behavior staff,
8 our other behavior specialist to do things, work with
9 kids and stuff.

10 Q. Do psychologists that work for the counties
11 come to Harrell sites physically?

12 A. Yes.

13 Q. From this conversation did we not discuss any
14 current Harrell staff?

15 A. I believe we've covered everybody.

16 Q. Except for the assistant director --

17 A. I think -- when I'm looking back at that, I
18 think that the social worker, like, label, I'm thinking
19 that that covers my counselor and my behavior
20 specialist.

21 Q. Okay.

22 A. And then the special education specialist or
23 whatever, I'm thinking that is my assistant director --

24 Q. Okay.

25 A. -- because she's -- our instructional coach is

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1 one of her titles. But that's just me trying to put
2 that together because I don't do that part. But that
3 would make sense. That would cover everybody.

4 Q. Okay. Let's go ahead and go off the record.

5 THE VIDEOGRAPHER: Going off video record
6 4:09 p.m.

7 (Recess.)

8 THE VIDEOGRAPHER: We are now back on video
9 record 4:23 p.m.

10 BY MS. ADAMS:

11 Q. Do you have any vacant positions this school
12 year?

13 A. Yes.

14 Q. Which positions are those?

15 A. High school math teacher and -- well, just
16 recently two paraprofessionals.

17 Q. Do you have any long-term substitutes?

18 A. Not at this time, no.

19 Q. Have you ever had any long-term substitutes?

20 A. We have.

21 Q. What positions were those long-term
22 substitutes filling?

23 A. We had one in adaptive -- Elementary
24 Adaptive.

25 Q. Any others?

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1 A. I believe that's it.

2 Q. Okay. How long did that person serve as a
3 long-term substitute?

4 A. I believe it was half of the school year.

5 Q. How long has the high school math position
6 been vacant?

7 A. Just this year.

8 Q. Who has been filling in for the high school
9 math teacher?

10 A. We have our paraprofessional who is
11 facilitating an online program in collaboration with
12 the instructional coach.

13 Q. Who is filling in for two paraprofessionals?

14 A. Substitute paraprofessionals.

15 Q. Are those substitute paraprofessionals
16 long-term or do they vary?

17 A. Long-term.

18 Q. When do you expect to fill the high school
19 position?

20 A. I don't, honestly, don't expect to fill it.
21 We've had it open, you know, posted and we just haven't
22 gotten any bites. That's one of the hardest ones even
23 in a Gen Ed setting that we've heard -- or I've
24 heard.

25 Q. How long do you expect the two parapros'

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1 positions to be open?

2 A. Not very long. Those are much easier to
3 fill.

4 MS. ADAMS: I would like the court reporter to
5 mark this next document as Plaintiff's Exhibit 774.

6 (Plaintiff Exhibit 774 marked.)

7 BY MS. ADAMS:

8 Q. You have been handed Plaintiff's Exhibit 774.
9 This is a copy of an email thread dated August 2020
10 with the subject Re IC. The bottom of this first page
11 is stamped GA04509328.

12 You can review the document and let me know
13 when you're finished.

14 (Witness reviewing document.)

15 THE WITNESS: Okay.

16 BY MS. ADAMS:

17 Q. Do you recognize this email thread?

18 A. Uh-huh.

19 Q. Turning to the second page of this document
20 looking toward the bottom of that page, am I correct
21 that on August 10, 2020, you emailed Darlene Todd and
22 stated, "I do not have any new teachers but I do have
23 one long-term sub, same as last year."

24 Is that correct?

25 A. Yes.

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1 Q. Was there one long-term substitute teacher at
2 Harrell during the 2019/2020 school year?

3 A. Yes. She came -- I believe she came at the
4 end of the one year and then stayed the next year.

5 Q. So the long-term substitute came at the end of
6 the 2019/2020 school year and stayed during the
7 2020/2021 year?

8 A. Yeah, it had to be, yes.

9 Q. Do you recall if this long-term substitute
10 teacher, that's referred to in this email, is the same
11 that you were referencing earlier who was covering the
12 elementary adaptive?

13 A. Yeah, that's her.

14 Q. And you said that she had stayed for about
15 half a school year. Is that still your
16 understanding?

17 A. Well, it might be a little bit more than that
18 because now this is jogging my memory because if she
19 was there last year, then it would have had to have
20 been a little bit more than half, yeah.

21 Q. Is that long-term substitute still at Harrell
22 now?

23 A. No.

24 MS. ADAMS: I'm going to ask the court
25 reporter to mark this next document as Plaintiff's

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1 Exhibit 775.

2 (Plaintiff Exhibit 775 marked.)

3 BY MS. ADAMS:

4 Q. You have been handed Plaintiff's Exhibit 775.
5 This is a copy of an email thread dated June 2019 with
6 the subject Re Forward Coordinator and Social Worker
7 Survey.

8 This first page is stamped GA00347397. You
9 can take a moment to review and let me know when you're
10 finished.

11 (Witness reviewing document.)

12 THE WITNESS: Okay.

13 BY MS. ADAMS:

14 Q. Do you recognize this email thread?

15 A. Yes.

16 Q. Am I correct that on June 3, 2019,
17 Ms. Cleveland emailed you and others asking you to
18 complete a coordinator survey and social worker
19 survey?

20 A. Yes. Sorry, I'm reading while I'm saying
21 that.

22 Q. Do you know why Ms. Cleveland was asking you
23 to complete these surveys?

24 A. I'm not sure.

25 Q. Am I correct that on June 4, 2019, you

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1 responded to Ms. Cleveland stating I completed my
2 survey. I do not have a coordinator or social
3 worker?

4 A. Yes.

5 Q. Do you recall why there was no coordinator or
6 social worker on staff at Harrell in 2019?

7 A. We don't have a coordinator position, and I
8 believe that would have been the year -- oh, I believe
9 that might have been the year we didn't have one. I'm
10 unsure.

11 I can't remember -- I have my timeline off
12 because we had one and she left and then we had
13 somebody else. So I'm unsure.

14 Q. So there have been times when Harrell has not
15 had a social worker on staff?

16 A. Right.

17 Q. But you do have a social worker now?

18 A. I do not have a social worker, no.

19 Q. You have a --

20 A. I have a counselor and a behavior
21 specialist.

22 Q. Okay. Do you think it is important to have a
23 social worker on staff with Harrell?

24 A. Well, like with the psychologist, I don't
25 really know because our needs are being taken care

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1 of -- well, our kids needs are being taken care of with
2 our counselor from Cord of Three and our behavior
3 specialist.

4 And then if we need additional support, then
5 we reach out to the LEA social worker. Like, if there
6 were like -- I don't know. If there's like a -- I
7 think that's who kind of contacts us about attendance
8 sometimes in certain counties, or if there's a DFACS
9 report in certain counties, that's who reaches out to
10 us.

11 But I feel like they would be important for
12 GNETS overall, but we are taking care of things with
13 who we have, our counselor and behavior specialist.

14 Q. You said DFACS. What is that?

15 A. DFACS, Department of Family and Children
16 Services. So, like, if we have to make a report, we
17 let the county know, or my behavior specialist does,
18 because of people calling about things. But we let
19 them know, and that's who they forward it to is the
20 social worker at the school.

21 Q. Okay. Are you required to submit any
22 information about your various staff members' job
23 responsibilities or performance to anyone?

24 A. No. Well, like, ask me again. Hold on.

25 Q. Are you required to submit any information

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1 about your staff members' job responsibilities or their
2 performance to anyone?

3 A. Oh, their performance, yes. I will report
4 that to Dr. Jacobs, like I would teachers, if they're
5 not doing what they're supposed to be doing or if I
6 need to put them on a plan just like I do with the
7 certified staff. But other than that, no.

8 Q. Are there any records that you submit to
9 anyone about the types of interventions that your staff
10 members have implemented or the ways in which your
11 staff have interacted with students?

12 A. Now, in our grant app we submit things that we
13 provide for children, academics and behaviorally. But
14 as far as reporting out interventions and things like
15 that, no. I mean, unless we're listing something in
16 their IEP but not like report out to RESA or report out
17 to GADOE or anything like that, no.

18 Q. So there aren't any logs or records of certain
19 functions or conduct that staff do on a regular basis
20 that you report to anyone?

21 A. Like, negative? Are you speaking about
22 anything or just negative?

23 Q. Just anything, not just negative.

24 A. Well, for our therapeutic sessions because
25 it's tied to a grant -- that grant I told you about,

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1 the two grants -- we have to do -- our counselors have
2 to do logs, therapeutic logs.

3 And so they -- I believe it's like the student
4 and then maybe like the topic that you covered that we
5 have to submit to Lakesha by the 4th of every month.
6 It's monthly.

7 And then other than that, just what's in the
8 grant app. Our strategic plan also, yes, we have to
9 provide documentation for the strategic plan too.

10 Q. Okay. So you mentioned that you submit
11 certain logs to Lakesha. Do you know why Lakesha
12 collects that information?

13 A. As I understand it, it's because it's
14 supporting us receiving the grant. It's almost like, I
15 guess, this is what we're getting for our money kind of
16 thing. That's how I took it.

17 Q. And that's something that you continue to
18 submit to GADOE?

19 A. Yes.

20 MS. ADAMS: I'm going to ask the court
21 reporter to mark this next document as Plaintiff's
22 Exhibit 776.

23 (Plaintiff Exhibit 776 marked.)

24 BY MS. ADAMS:

25 Q. You have been handed Plaintiff's Exhibit 776.

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1 This is a staff roster for Harrell from fiscal years
2 2020, 2021, and 2022. It was produced by Harrell to
3 the United States.

4 The internal temporary reference number that
5 we have assigned to this is Harrell_TEMP_00263.

6 (Witness reviewing document.)

7 BY MS. ADAMS:

8 Q. Do you recognize this document?

9 A. Yes.

10 Q. Did you prepare this document?

11 A. No.

12 Q. Do you know who prepared this document?

13 A. I believe it's Miss Iris.

14 Q. And she's the CFO for the RESA?

15 A. Yes.

16 Q. Am I correct that this document contains a
17 chart for fiscal years 2020 through fiscal year 2022?

18 A. Yes.

19 Q. The chart lists each staff member's
20 identification information including their name,
21 position, and professional licensing or
22 certification?

23 A. Yes.

24 Q. For behavior interventionists employed in your
25 program, are they required to possess any professional

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1 qualifications or certifications?

2 A. Which?

3 Q. Sorry, behavior specialist I think you called
4 them.

5 A. Oh, yes.

6 Q. Are they required to possess any professional
7 qualifications or certifications?

8 A. I haven't had to -- the behavior specialist, I
9 haven't had to fill. He's been there since I've come,
10 and he has a bachelor's degree in psychology, I
11 believe. So, I mean, that's just what he has. So I'm
12 sure if we had to fill that, we'd want the same
13 caliber, you know.

14 Q. Okay. Are you aware of any specific
15 certifications like from the Georgia Professional
16 Standards Commission that behavior specialists are
17 required to have?

18 A. I'm not aware of that.

19 Q. Looking at the last page of this exhibit,
20 which contains the staff roster for fiscal year 2022
21 and looking at the third row where behavioral
22 specialist Jermell Terry is listed, his professional
23 licensing certification is listed as clearance.
24 Correct?

25 A. Yes.

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1 Q. What does clearance mean?

2 A. Clearance is basically you've been cleared by
3 the PSC to work with children but you do not have a
4 certification like an educator certification or a
5 paraprofessional license if he's not a
6 paraprofessional.

7 So he doesn't fall under those two
8 certifications. So he has a clearance. That means
9 he's been cleared, like the rest of us, to work with
10 children.

11 Q. What is PSC?

12 A. Oh, Professional Standards Commission or
13 Georgia Professional Standards Commission.

14 Q. And Mr. Terry is your only behavior
15 specialist, correct?

16 A. Yes.

17 Q. Are teachers employed in your program required
18 to possess any professional qualifications or
19 certifications?

20 A. Yes.

21 Q. What are the required qualifications?

22 A. They have to be content certified for their
23 grade band, and they also have to be certified in
24 special ed.

25 Q. Where are those qualifications set out?

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1 A. I believe the Georgia PSC.

2 Q. So those are state-required qualifications?

3 A. Yes, ma'am.

4 Q. For the current school year, are there any
5 teachers who are not fully qualified or certified?

6 A. This school year, no. Everybody is
7 certified.

8 Q. For the fiscal year 2022, were there any
9 teachers who were not professionally licensed or
10 certified?

11 A. Chelsey Haymon (phonetic) was our elementary
12 teacher. She was on -- I mean, let me think. She was
13 on provisional license, which that means she was going
14 to do something like Georgia TAPP but the master's
15 program. So she had a four-year degree already, but
16 she was getting into the master's program. And then
17 that's all.

18 Q. Are there any teachers -- sorry, excuse me.
19 Are teachers in GNETS expected to meet the same
20 certification requirements as teachers in general
21 education settings?

22 A. Yes.

23 Q. Are there specific qualifications or
24 certifications for paraprofessionals?

25 A. Yes. They have to take a paraprofessional

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1 GACE or they can have 60 course hours, basically an
2 associate's or you have to take a paraprofessional
3 GACE.

4 Q. And GACE is?

5 A. It's the state -- oh, gosh I can't remember
6 what it's -- it's what educators have to take. Like, I
7 would have to take a special ed GACE or a Gen Ed GACE
8 to be certified. I can't remember what the letters
9 stand for, but I think it's like the title or the
10 assessment title.

11 Q. For the current school year, do you have any
12 paraprofessionals who are not fully certified or
13 qualified?

14 A. No.

15 Q. For the 2022 fiscal year, did you have any
16 paraprofessionals who weren't properly certified?

17 A. No.

18 Q. Are there any staff employed at Harrell
19 currently who are not qualified or certified to serve
20 in their roles?

21 A. No.

22 MS. ADAMS: I'm going to ask the court
23 reporter to mark this next document as Plaintiff's
24 Exhibit 777. You have been handed Plaintiff's Exhibit
25 777.

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1 (Plaintiff Exhibit 777 marked.)

2 BY MS. ADAMS:

3 Q. This is a copy of an email thread with the
4 subject Re GNETS Calendar and SDQ Data. The first page
5 is stamped GA00790800. Please review and let me know
6 when you're finished.

7 (Witness reviewing document.)

8 THE WITNESS: I'm ready.

9 BY MS. ADAMS:

10 Q. Do you recognize this email thread?

11 A. Yes.

12 Q. Who is Nakeba Rahming?

13 A. She was the state director or the GNETS State
14 Director before Vickie.

15 Q. Okay. Am I correct that on July 20, 2017,
16 Nakeba Rahming emailed you and the other GNETS
17 directors stating that she was going to finalize
18 guidance and procedures for professional qualifications
19 as it relates to GNETS?

20 A. Yes.

21 Q. She asked you to email her any questions or
22 concerns, correct?

23 A. Yes.

24 Q. Am I correct that on July 21, 2017, you
25 responded to Ms. Rahming asking, "Does our PE teacher

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1 have to be a certified (maybe retired) teacher, or
2 could we have what we've had, a personal trainer? If
3 so, what qualifications does the personal trainer have
4 to have?"

5 Is that correct?

6 A. Yes.

7 Q. Why did you ask if Harrell's PE teacher had to
8 be certified?

9 A. Because when I came on, that was my first year
10 or starting my first year as director. My first year
11 there they did not have a PE teacher, and I thought it
12 was important for them to have a PE teacher.

13 And so what we had was somebody who was I
14 guess a certified -- what I thought was a certified
15 personal trainer, and he would do, you know, like
16 workout stuff with them.

17 But I thought that it needed to be a teacher.
18 So that's why I asked her that, and we were looking for
19 one. And so when I asked Dr. Jacobs about it, he said
20 we would have to ask her, you know, what it would have
21 to be because it was his first time kind of interacting
22 with or being involved with GNETS.

23 So it was just basically us finding out what
24 our roles are. And, of course, now that's a stupid
25 question because they have to be a certified teacher

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1 and we've had one, sorry.

2 But, yeah, that was just trying to find out if
3 what has been going on is appropriate or do we need to
4 change because I was feeling like I wanted to change.

5 Q. Okay. I'm going to ask the court reporter to
6 mark this next document as Plaintiff's Exhibit 778.

7 (Plaintiff Exhibit 778 marked.)

8 BY MS. ADAMS:

9 Q. You have been handed Plaintiff's Exhibit 778.
10 This is a copy of an email thread with the subject Re
11 LCSW Grant. The bottom of the first page is stamped
12 GA00347755. Please take a moment to review and let me
13 know when you're finished.

14 (Witness reviewing document.)

15 THE WITNESS: Okay.

16 BY MS. ADAMS:

17 Q. Earlier we were talking about you emailing
18 Ms. Rahming to understand whether your PE teacher had
19 to have a certain kind of certification.

20 And you were talking about how it was kind of
21 early on in your time as director, and you were talking
22 to your boss and you were both trying to figure things
23 out. And I believe you were saying something about how
24 you wanted to make sure you understood what the rules
25 were around certification and various staff.

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1 So when you mentioned you were trying to get a
2 sense of what the rules were, what do you mean by that
3 in terms of rules?

4 A. Certification. Back then I didn't understand
5 certification so I didn't -- I mean, to be quite
6 honest, I didn't even have my head wrapped around,
7 like, our SPED teachers had to have content area and
8 SPED to be qualified, highly qualified or
9 professionally qualified. I don't know which one is
10 the right word now.

11 Anyway, so that was what that was about. And
12 now as I have had years, I understand all that now, but
13 that was early on. I wasn't sure if that was okay, you
14 know, for him to be the personal trainer to be doing it
15 and us calling it PE. That didn't feel right to me.

16 Q. Thank you. And you found it helpful to seek
17 clarification from GADOE --

18 A. Yes.

19 Q. -- to help you understand what the rules
20 were?

21 A. Yes.

22 Q. Okay. On this email thread there are emails
23 between you and Ms. Cleveland, correct?

24 A. Yes.

25 Q. Do you recognize this email thread?

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1 A. Yes.

2 Q. Am I correct that on June 11, 2019, you
3 emailed Ms. Cleveland stating, "I am really looking for
4 a way to make my person qualify for the LCSW position.
5 He is great, and we were hoping we could maybe read the
6 grant and find a way for him to be the one we can
7 hire." Is that right?

8 A. Yes.

9 Q. You continue in the email and say, "A loophole
10 maybe. What do you think? Are there specific services
11 this person will provide? LCSW versus LPC, is it more
12 for social work type things or counseling students?"

13 Is that correct?

14 A. Yes.

15 Q. Later in the email you asked, "Is this grant
16 coming from DOE SPED department?" Correct?

17 A. Yes.

18 Q. Am I correct that Ms. Cleveland responded
19 stating, "The focus of the work is for therapeutic and
20 counseling supports. The grant is awarded from GADOE.
21 I have confirmed the scope of work with staff rehab.
22 The candidate would have to have LCSW or MSW
23 certification." Correct?

24 A. Yes.

25 Q. What was the LCSW position you were

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1 referencing?

2 A. It's Licensed Clinical Social Worker. And we
3 had someone in mind who actually is working with our
4 students now who has -- oh, gosh, what is an LPC?
5 Licensed -- I can't remember right now what LPC stands
6 for. But he's -- what do you call it -- like a higher,
7 I don't know, more highly qualified person I think, or
8 a higher qualified person than LCSW.

9 But, anyway, I didn't understand all the
10 acronyms and who was okay for what. And it was for the
11 therapeutic grant, and the therapeutic grant had
12 specific criteria that you had to work with.

13 So she was telling me that she had gotten with
14 staff rehab, which is -- I believe is more of like a
15 substitute -- or not a substitute -- like a hiring
16 platform or company that she put out the criteria for,
17 and it helped us find someone.

18 And so we ended up going with that person
19 instead, a social worker instead of the LPC. So that
20 was basically her clarifying that. I don't remember if
21 she emailed back about it anymore or if we just talked.
22 We got it worked out.

23 Q. Okay. You said that there's an individual who
24 you referenced in this email saying "He is great.
25 We're really hoping he can be the one we hire."

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1 You're saying that that individual is
2 currently working with your students?

3 A. Yes. He's with Cord of Three.

4 Q. Okay. And what is Cord of Three?

5 A. It is a counseling service. We contract with
6 him.

7 Q. Would you prefer that this individual was
8 working as an employee of Harrell GNETS?

9 A. Oh, it doesn't matter to me. You know, I was
10 just wanting to get him on board because I knew what he
11 could do with our kids, and he cares about, you know,
12 moving them along.

13 So I really wasn't picky about if we hired him
14 from RESA or if y'all gave us a state grant. We just
15 wanted to get him before anybody else stole him.
16 Sorry.

17 Q. The person who you ended up hiring into that
18 LCSW position, is that person still with Harrell?

19 A. No.

20 Q. And that position was state grant funded?

21 A. I'm thinking this is the one that -- the
22 grant, the separate grant, not like the state funding
23 for GNETS and federal funding for GNETS. It's a state
24 grant, therapeutic grant.

25 Q. Okay.

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1 A. I'm thinking that that's what that was. This
2 is one of the first years I think we got it. So that's
3 why I didn't understand what all -- who I could hire
4 with it.

5 Q. Okay.

6 MS. ADAMS: I'm going to ask the court
7 reporter to mark this next document as Plaintiff's
8 Exhibit 779.

9 (Plaintiff Exhibit 779 marked.)

10 BY MS. ADAMS:

11 Q. You have been handed Plaintiff's Exhibit 779.
12 This is a copy of an email thread dated May 2019 with
13 the subject Re RBT Status. The first page has been
14 stamped GA00347076.

15 Please review and let me know when you're
16 finished.

17 (Witness reviewing document.)

18 THE WITNESS: I'm finished.

19 BY MS. ADAMS:

20 Q. Do you recognize this email thread?

21 A. Yes.

22 Q. On May 29, 2019, Ms. Cleveland emailed you
23 stating, "It has been brought to my attention from
24 TeachTown that the following staff did not complete the
25 coursework for RBT certification. Please provide an

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1 update via email as to why staff did not finish the
2 coursework. Funds were budgeted for this training and
3 I need to provide an update."

4 Do you see that?

5 A. Yes.

6 Q. Underneath the text of Ms. Cleveland's email
7 there is a chart labeled "didn't finish coursework" and
8 Leander Gore is listed next to Harrell LC. Correct?

9 A. Yes.

10 Q. In your response on May 30, 2019, you stated
11 "Gore simply refused to complete." Correct?

12 A. Yes.

13 Q. What is RBT certification?

14 A. Registered Behavior Technician.

15 Q. And why would someone need to have RBT
16 certification?

17 A. Well, you don't have to have it to work in
18 GNETS. It was just something that was offered to --
19 it's almost like when I was telling -- saying something
20 about the Gifted Endorsement earlier. It's like an
21 extra layer of certification.

22 It's something along those lines, and I've
23 actually gone through it, too, but I didn't come out as
24 a registered RBT because you have to do some kind of
25 extra things.

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1 But basically to be fully certified, you have
2 to complete all those steps. And he just did not
3 complete all the steps to be a fully registered
4 behavior technician.

5 Q. Do any of your current staff have RBT
6 certification?

7 A. No.

8 Q. So Mr. Terry, your behavioral specialist, does
9 not have RBT certification?

10 A. No.

11 Q. Are there any other types of certifications
12 like this RBT certification that Mr. Terry has outside
13 of the bachelor's degree we mentioned earlier?

14 A. He is a Mindset De-escalation and Restraint
15 trainer and LSCI trained. I'm not sure of what else.

16 Q. What is LSCI?

17 A. It's Life Space Crisis Intervention, and it's
18 basically like -- program is not the word, but you go
19 through and train to learn how to de-escalate
20 situations, get to know certain types of kids.

21 It teaches you how to talk them through their
22 crisis or their trauma to get them to calm down, to
23 de-escalate and it -- there's like steps that you go
24 through. And you learn each step on where to take --
25 you're kind of walking the child through.

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1 And then by the end you figure out why they
2 were acting the way they were acting and then how they
3 can turn it around next time. And then you also teach
4 them some, like, replacement skill. Like, instead of
5 doing that, you can do this kind of thing. So,
6 intervention.

7 Q. In this email you and Ms. Cleveland are
8 discussing Mr. Leander Gore. Who is he?

9 A. Well, at the time he was one of our crisis
10 response team members, paraprofessional certification.
11 Now, actually this year, he's our teacher. He's
12 provisional. He's almost finished working on his
13 master's. So he's one of our elementary teachers.

14 Q. How did you react when you learned that
15 Mr. Gore refused to complete the RBT course?

16 A. Initially, I was upset about it, but then I
17 later found out that he had, like, personal issues
18 going on. And he had just found out that his program
19 he was in, the educational program for being a teacher,
20 was not accredited after he was told it was accredited.

21 And so he did all this coursework and at the
22 end of it with a bachelor's degree that he couldn't
23 even use in Georgia. So all that kind of painted this
24 picture. You know, he just was like -- had a rough
25 time.

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1 So I don't know if she said anything back or
2 not. I mean, that was all there was to that that I
3 remember.

4 Q. Okay. Have there been any other instances
5 where Harrell staff have refused or failed to complete
6 the steps necessary to receive certain certification?

7 A. No. No, and I hate that, too, because that
8 makes him look bad. I don't mean look bad, but he's
9 never ever refused to do anything like, I'm not doing
10 it, I don't care kind of thing.

11 And I know that, just putting it that way,
12 without knowing all the details. I did make him look
13 bad, but learning everything else made it make more
14 sense because it was out of character for him just to
15 refuse to do something.

16 Q. We have talked a bit throughout the day about
17 Cord of Three, and you talked about how it's a
18 counseling service --

19 A. Yes.

20 Q. -- that Harrell contracts for. And we've also
21 talked about Unison as well.

22 A. Yes.

23 Q. And Unison is similar to Cord of Three. They
24 provide counseling service?

25 A. Yes.

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1 Q. How many students in Harrell's program
2 participate in either Unison or Cord of Three
3 counseling?

4 A. Together -- well, the majority of our students
5 participate with Cord of Three's counselor when he's
6 working with us. He works Tuesday through Thursday.
7 So everybody -- well, I say everybody, but about 90
8 percent of them, you know, go through -- get exposed to
9 him in counseling sessions, but that's when he is
10 basically the HLC employee.

11 So if he has any -- I don't know the number of
12 any that he has through Cord of Three in our building.
13 If he does, then those would be done on outside time.
14 Like, whatever day, Monday or Friday, on their own time
15 kind of thing.

16 Because when he's in our building, he's our
17 employee. So he's technically not Cord of Three during
18 that time. That's just who we're contracted with.

19 But I would say that with Unison, I'm not sure
20 a number, a specific number, but I would say less than
21 half are -- not contracted but are signed up with
22 Unison.

23 Q. Are the students who receive Unison services
24 students who were already receiving Unison services
25 before they arrived at Harrell?

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1 A. Some. But some started when they got to us
2 with our encouragement and help to get them
3 connected.

4 Q. The students who receive Unison services, how
5 often are they receiving those services?

6 A. It varies per kid. Some kids maybe have a
7 session a week, and some kids may have two different
8 kinds of sessions. I don't know what the sessions are
9 called right now.

10 But, like, one comes -- maybe just a general
11 counselor, and then another one might come for the same
12 child later in the week, but they're more of an
13 intensive -- I can't think of the name -- but more like
14 an intensive therapist or whatever their titles are.

15 Then we have some that might be like once a
16 month. They're all just different according to their
17 plan at Unison.

18 Q. You mentioned that the individual who is
19 contracted through Cord of Three, but between Tuesday
20 and Thursday he is at Harrell and essentially working
21 for Harrell. And you said that there's 90 percent of
22 your students who are exposed to that person.

23 What does that counseling service look like?
24 How frequently is that happening?

25 A. Daily, individual sessions daily. They rotate

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1 through him and other behavioral specialists daily.
2 Most of our students -- the majority of our students
3 have anywhere between three and four sessions a week.

4 Q. Okay. When you said that sometimes Cord of
5 Three might meet with students outside of that Tuesday
6 to Thursday window and it might happen on Monday or
7 Friday, what did you mean by that?

8 A. Well, if they -- I don't know -- I don't know
9 the children, the students in our building, if they are
10 signed up. Like, kids are signed up through Unison,
11 but the counselor sees them on campus.

12 There's nobody that's signed up, if they are,
13 signed up with Cord of Three that he sees on our campus
14 because it would be -- what do you call it? I don't
15 know the word, kind of contradictory.

16 Like, he doesn't mix his Cord of Three time
17 with HLC time, if that makes sense. He's on a separate
18 contract with us. So if they -- and he might have
19 zero.

20 I'm just saying if they are signed up through
21 Cord of Three for services that that's on their own
22 time and not during the school day, whereas he is
23 contracted with us to do sessions during the school
24 day.

25 Q. Okay.

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1 A. I was trying to make that separate, but I know
2 I messed it up.

3 MS. ADAMS: I would like the court reporter to
4 mark this next document as Plaintiff's Exhibit 780.

5 (Plaintiff Exhibit 780 marked.)

6 BY MS. ADAMS:

7 Q. You've been handed Plaintiff's Exhibit 780.
8 This is an email thread with the subject Re Forward
9 Information on APEX. The bottom of the first page of
10 the document is stamped GA00353909.

11 Please review and let me know when you're
12 finished.

13 (Witness reviewing document.)

14 THE WITNESS: I'm ready.

15 Q. Do you recognize this email thread?

16 A. Yes.

17 Q. Am I correct that on October 7, 2019, you
18 emailed Ms. Cleveland stating, "According to our Unison
19 partners we, HLC, are not considered an APEX school
20 even though around 80 percent of our students are
21 served through Unison and another percentage by another
22 mental health provider -- excuse me -- by other mental
23 health providers."

24 A. Yes.

25 Q. Do you remember what Ms. Cleveland told you in

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1 response to your email?

2 A. I do not.

3 MS. JOHNSON: Object to form.

4 BY MS. ADAMS:

5 Q. What is APEX?

6 A. Honestly, at this time I'm not sure. I'm
7 pretty sure someone explained to me around this time
8 what it was. I just remember one of our Unison
9 counselors who came in and that they -- I think it
10 started out about having money to help with PBIS or do
11 celebration days or do different things for students at
12 different schools.

13 And I was, like, hey, well, we need that
14 because I to get everything that the schools get for
15 our school even though we're not technically a school.
16 But, anyway, I remember them just saying that whoever
17 it was had checked into it for us and that we were not
18 listed as an APEX school. And I didn't understand
19 that, so I emailed her and asked her this.

20 I seem to think that maybe somebody got back
21 with me about the fact that we were not a school. In
22 the eyes of the State we're a service. So then I
23 further checked into it. I don't even think I sent
24 anything further to her. I checked into it because if
25 our students were listed under, say, a Ware County

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1 school, could we still not get supported because
2 they're technically Ware County school kids.

3 But then it just kind of fell through the
4 crack. Like, nobody got back to me or they said no or
5 whatever because I normally don't stop pushing until I
6 get a clear answer.

7 But I just think that they were, like, no,
8 you're not listed under blah, blah, blah. But that's
9 what it was to her. I was trying to clarify, too,
10 because I wasn't even sure what APEX was.

11 Q. Do you believe that your GNETS students should
12 be able to receive APEX services?

13 A. At that time I did. I mean, like I said, I'm
14 not sure even now what all that entails. But, yes, I
15 believe that whatever anybody else gets my kids deserve
16 to.

17 MS. ADAMS: Let's go ahead and go off the
18 record.

19 MR. NGUYEN: Robert, did you hear that?

20 THE VIDEOGRAPHER: Going off video record
21 5:09 p.m.

22 (Recess.)

23 THE VIDEOGRAPHER: We're now back on video
24 record 5:20 p.m.

25 BY MS. ADAMS:

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1 Q. Ms. Livingston, earlier we were talking about
2 Cord of Three and the services it provides to your
3 students, and you said roughly 90 percent of students
4 receive some kind of Cord of Three service. And you
5 talked about how there could be three to four sessions
6 within a week that students are meeting with Cord of
7 Three.

8 Are they meeting both with the LPC as well as
9 the behavioral specialist when they're receiving those
10 services?

11 A. Yes.

12 Q. Out of the three to four -- excuse me. Out of
13 the three to four sessions that a student might receive
14 Cord of Three services, how many of those sessions
15 would be with the LPC?

16 A. I'm not sure.

17 Q. Do you have any sense as to whether a student
18 might meet with the LPC more than one time in a week?

19 A. Most likely, yes.

20 Q. And would that be for the majority of students
21 who receive Cord of Three services?

22 A. I'm not sure. I'm not sure exactly because
23 they split them up and that was for both of them.

24 Q. Unison?

25 A. No. That was for my behavior specialist and

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1 Cord of Three, the counselor and the behavior
2 specialist together. They work together to take care
3 of the load on the days of the week and all that.

4 So I'm not sure how -- I wouldn't be able to
5 tell you how they split, you know, like what percentage
6 or whatever that he does by himself.

7 Q. And by "he" you mean the LPC?

8 A. Right.

9 Q. Who decides when a student meets with the LPC
10 versus the behavior specialist?

11 A. Well, it's pretty much made during data
12 triangulation. Each nine weeks we assess the schedule,
13 so teachers are in there.

14 One of the administrators, we like one of them
15 to be there -- not always can make it -- but one of us
16 likes to be there. And then both the behavior
17 specialist and the LPC are in there to complete the
18 data triangulation and then they decide among
19 themselves.

20 And it might be just per student need. It's
21 not really like person -- I mean, well, it is. It
22 might be that Mr. Terry, the behavior specialist, has
23 more rapport this week because that can change by the
24 week, you know, he might hate him next week, but this
25 week he was loving Mr. Terry.

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1 So he might feel like he can relate more with
2 him that week, so he might have him all three days or
3 he might have him two days and then Cord of Three one
4 day or something like that. But they work it all out.

5 Most of the time it's set at the time of the
6 data triangulation. And then as kids change or as
7 things happen, you know, they might -- we've even had a
8 kid a couple of weeks ago where he got upset with
9 Mr. Terry for whatever reason, and he's, like, I'm
10 never speaking to you again.

11 So instead of him refusing all of his
12 counseling sessions, then they trade it over to
13 Mr. Tracy, which is Cord of Three, just for that week.

14 Q. Mr. Tracy is the LPC?

15 A. Yes, Tracy Crews.

16 Q. How long are the counseling sessions that
17 students have?

18 A. A variety. Sometimes it's a set -- you know,
19 for some kids you can say we're going to take 30
20 minutes, we're going to take 20 minutes, and then some
21 kids it's at their time frame.

22 If a child gets in there today, he might talk
23 and be fine or talk for 10 minutes and then they're all
24 good. He's ready to get back to class. If they want
25 to get back to class and they're good, we want them to

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1 be in class.

2 But then some kids will go in and you think
3 it's going to be a 10-minute session and they get into
4 something real deep and they're in there an hour. So
5 it just depends on the kid. We try to individualize
6 everything that we can and try to meet them where they
7 are.

8 Q. Are any of the counseling services from Unison
9 or Cord of Three group sessions?

10 A. No. No, no they're individual. Now,
11 sometimes Mr. Tracy, Cord of Three, may do like a pair,
12 you know. I think that he was doing chess maybe with
13 some of them -- chess not chess -- and so he might
14 group them like that occasionally. But for the most
15 part it's individual across the board.

16 Q. Much earlier on in the day we were talking
17 about certain students who have been at Harrell for
18 quite some time, many years, a big portion of their
19 academic career.

20 And we talked about how for those students
21 there might be additional types of supports that would
22 be offered to them, and I believe you mentioned
23 counseling is one of those services.

24 Is counseling offered for those students above
25 and beyond what is offered through Unison or Cord of

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1 Three? Do the students who have been here a long time
2 receive additional counseling outside of what's offered
3 to the majority of students?

4 A. Not unless they are -- not unless they are
5 doing an outside agency other than Unison or Cord of
6 Three. But when they're in our building, we give them
7 what they're given normally.

8 Q. Okay.

9 A. I'm sorry. I mean, the topics just might
10 vary. You know, like trying to, instead of talking
11 about their maybe past trauma, they start focusing on
12 how to be an adult, you know, how to get over some of
13 these adult things or approach some of these adult
14 things for when they get ready to leave or graduate or
15 whatever it is. So they just change their topics.

16 Q. Okay. I also want to go back to something
17 that we talked about earlier when we were talking about
18 staff vacancies, and you mentioned that there's a high
19 school math teacher position that's been open for a
20 while. And we talked about how to compensate for that
21 opening there's, I believe you said, a staff member who
22 is facilitating an online program?

23 A. Yes.

24 Q. And I asked you if you would prefer to have a
25 teacher in person versus online, and you said you would

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1 prefer to have a teacher in person.

2 A. Uh-huh.

3 Q. Can you tell me a little bit more about why
4 you think that would be important?

5 A. Not all students are, like, virtual learners.
6 You know, there are some topics that I, myself, need.
7 I need to sit here and talk to you. I need to be able
8 to ask you questions.

9 I need to read your face. I need your
10 encouragement. You know, I need to ask you 5,000
11 questions to get to where we're going whereas the
12 computer you can't do that. You're just, you know,
13 clicking the answers.

14 Now, the one thing with him is he facilitates
15 it in a way that he sits down and works with him. So,
16 I mean, it's kind of like a hybrid almost because I
17 know he's not up there just teaching. He's using that
18 but he's teaching along with the program.

19 And so he'll sit down and complete the
20 work-through problems with him. So I would say it's
21 more of a hybrid because we don't just put them on and,
22 hey, finish that program and let us know when you're
23 done.

24 But I think it's important to have that
25 interaction, you know. It's kind of like text. You

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1 don't always know how to interpret a text. You know, I
2 might think you're angry at me by something that you
3 texted when you weren't.

4 And I feel like that is quadrupled when you're
5 doing online work. You're not understanding the work.
6 You're not understanding how to navigate or whatever
7 the problem is that a person could give you.

8 And they just don't -- I feel like you can get
9 a better caliber of instruction, academics and, well,
10 behaviorally, because you're having to also navigate a
11 social situation, where the computer takes that away
12 from our students.

13 I mean, takes away the opportunity to have to
14 navigate those relationships that they would normally
15 have to do. You know, frustration with the teacher,
16 I'm going to have to work that with you where it's just
17 going to make it flat working on a program.

18 So it's like a twofold kind of thing,
19 academics and really socially I think it's better to
20 have an in-person teacher teaching you.

21 Q. Are there any students at Harrell who are
22 screened for gifted services?

23 A. We have had. Let's see, I believe we had two
24 since I've been there, possibly three. I think we've
25 had three that have been on our radar because my

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1 assistant director and myself are both gifted teachers
2 or, you know, gifted-minded teachers.

3 And we were, like, hold on, there's something
4 special going on here. So we did reach out and get
5 them, I guess, finished. One was in the process when
6 they left their school and so got him finished up
7 testing, and I think he ended up qualifying.

8 And then the other two we -- so then we meet
9 with teachers and facilitate how to better instruct
10 them because they're not used to having I guess a
11 gifted student, you know.

12 Q. Are all students at Harrell screened for
13 gifted services?

14 A. I'm not sure. Well, not through us. Not like
15 our -- we had to request that with the county. Like,
16 hey, we need to you look at this kid. They're really
17 bright. We think they're possibly gifted. We had to
18 bring that up.

19 I don't think they're -- not at the point they
20 come to us. They might be screened when they're in
21 elementary school or in the LEA but not once they get
22 to us.

23 Q. Are the two students that you're referring to
24 who were screened for gifted services, are they
25 receiving gifted services at Harrell specifically?

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1 A. They do not. One doesn't go to our school
2 anymore. And then the one -- the other one was the one
3 I was speaking of earlier that was transitioning for
4 two classes.

5 We wanted him to go to four, so he's kind of
6 pushing back a little bit on the system. He has the
7 system problem. And so I think -- I want to think that
8 one of his classes this semester is an advanced
9 content, but that's what they do at the high school.

10 Like, my own daughter is in advanced content.
11 That's how they get their gifted services in high
12 school. So that's the extent that I know. Nobody
13 comes to our schools and serves him for gifted.

14 Q. Okay. The student who left is no longer at
15 Harrell?

16 A. Uh-huh.

17 Q. Did that student ever receive gifted services
18 while they were at Harrell?

19 A. I'm not sure. I mean, no one came. But
20 gifted services looks different for different counties.
21 I really can't remember. Right now I can't remember
22 what county it was, so I can't answer that. I'm not
23 sure a hundred percent.

24 Q. If a student was screened at Harrell for
25 gifted services, how would they receive their gifted

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1 services?

2 A. I'm not sure. We've really never had it
3 happen that way. Like I said that one, he just kind
4 of -- I don't even know if they went through with,
5 like, the paperwork, you know. So I don't even know
6 that it's official that he's gifted. He was just being
7 kind of difficult.

8 Q. Does Harrell track graduation records for its
9 students?

10 A. For ours, yes. If they graduated while
11 they're with us, yes. But if they leave, then I don't
12 know.

13 Q. For this school year are there any students
14 that you would expect to graduate at the end of the
15 school year?

16 A. Oh, yes. I believe we have two, three
17 seniors. We have three seniors this year.

18 Q. And do you expect all three to graduate?

19 A. Uh-huh.

20 Q. Last school year how many students at Harrell
21 graduated high school?

22 A. I don't remember the numbers from last year.
23 But since I've been there every senior that we've had
24 has graduated.

25 Q. Okay. What type of diploma do students

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1 receive when they graduate from Harrell?

2 A. They get the Gen Ed diploma. Well, now, some
3 of those, like adaptive students, I believe they
4 get that -- I don't remember. They changed it. Well,
5 you might not know, but they changed it.

6 Georgia has changed it back and forth, so I'm
7 really not sure which one. But I think they get like a
8 special ed type, and then our other kids that are
9 getting the regular standards, they get a Gen Ed
10 diploma.

11 Q. Okay. Last year did any students drop out of
12 school when they were at Harrell?

13 A. No. Not last year, no.

14 Q. Have any students dropped out of school this
15 year?

16 A. No.

17 Q. Since you've been director, have any students
18 at Harrell dropped out of school?

19 A. I can't remember the exact year, but it's
20 either -- it's a couple of years ago. Maybe two years
21 ago we had one. He moved in in one of the counties.
22 He moved in. He came to our school.

23 Just it felt like a blur, you know, like a
24 little short period of time and then he -- it was at
25 the end of the school year, and then he was supposed to

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1 come back the next school year to start up just like
2 everybody else. And then we got word that his guardian
3 let him quit. That's the only one that I can remember.

4 Q. Okay.

5 A. And we didn't have him very long. We weren't
6 even really able to get to know him that well because
7 it was, I mean, literally, they kept pulling him out of
8 it, that kind of thing.

9 Q. Okay. Do students of Harrell attend promotion
10 or graduation ceremonies?

11 A. Yes.

12 Q. And do they attend with general education
13 students?

14 A. Yes.

15 Q. Does Harrell offer advanced placement or
16 honors courses?

17 A. We have in the -- I'm trying to think. I
18 would say no. Well, if they do, they get it at their
19 high school. Like, if they transition, they're getting
20 it there. So I don't know if that's technically us
21 offering it. They're not doing it in our building but
22 it's offered.

23 Q. Okay. How many students are taking APR
24 (phonetic) honor courses this school year?

25 A. None right now.

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1 Q. Were students ever taking APR honor courses
2 this school year?

3 A. I'm unsure. I'm unsure because I'm thinking
4 that one did last semester. I'm just going to say I'm
5 unsure. We try.

6 Q. Okay. Does Harrell facilitate opportunities
7 for students to attend sporting events?

8 A. I wouldn't say we facilitate that because we
9 wouldn't provide transportation or anything. I mean,
10 we encourage them to be involved or if people are
11 talking about the game or whatever, hey, are you going?
12 Well, you should go. You can meet new friends, things
13 like that.

14 Q. Okay. Are Harrell students invited to any
15 prom or dance?

16 A. We haven't had that come up. We've had our
17 own dances and prom and we have our own awards day. We
18 don't have a gym. I mean, we don't have -- what do you
19 call it -- an auditorium with seating in it or a stage.

20 So we even -- one of the local middle schools
21 has an auditorium right down the road from us. And so
22 we make it more like a field trip. We have an
23 end-of-the-year awards ceremony where they're all
24 recognized for academics like normal.

25 But then our seniors still walk. If they want

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1 to, they still walk and do cap and gown and all that,
2 pictures and everything with their county. But we try
3 to do the same kind of thing for them at our awards
4 ceremony in case they don't want to go in that big
5 crowd and do their thing. So we try to do that.

6 Q. Okay. Have your students at Harrell taken
7 their school picture this year?

8 A. No. Actually, it is I believe in two weeks.
9 It's in February.

10 Q. Okay. And will their school picture appear in
11 their county school's yearbook?

12 A. No.

13 Q. Does Harrell have its own yearbook?

14 A. Yes, we have our own yearbook.

15 Q. Let's go off the record.

16 THE VIDEOGRAPHER: Going off video record

17 5:39 p.m.

18 (Recess.)

19 THE VIDEOGRAPHER: We're now back on video
20 record 5:45 p.m.

21 BY MS. ADAMS:

22 Q. Let's refer back to the grant application
23 exhibit. I believe that was Exhibit 770, and it has
24 the last three numbers 883 stamped on the front. Let's
25 turn to the page stamped with the last three numbers

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1 926.

2 It contains the heading Service Delivery
3 Severe Behavior Management and De-escalation. Do you
4 see that page?

5 A. Yes.

6 Q. This page contains information for fiscal year
7 2022, correct?

8 A. Yes.

9 Q. Am I correct that 15 students or 21 percent of
10 your students were restrained in fiscal year 2022?

11 A. Yes.

12 Q. Does that percentage strike you as high?

13 MR. NGUYEN: Object to the form. You may
14 answer the question.

15 THE WITNESS: It is higher than we like,
16 yes.

17 BY MS. ADAMS:

18 Q. Is Harrell taking any steps to lower the
19 number of students who are restrained?

20 A. Yes.

21 Q. What steps is Harrell taking to lower the
22 number?

23 A. We increase -- for those who aren't already
24 at, you know, three or four days, we increase
25 counseling sessions. We pull in -- we do -- what is it

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1 called? We don't officially name anything. We do
2 parent conferences.

3 We go through our LSCI processes to see if,
4 you know, if there were any I wouldn't say -- maybe
5 like clues, you know, kind of go back in their data.
6 We have IBFs in our school. We have IBFs. They're
7 inappropriate behaviors forms. That's how we track our
8 behaviors.

9 So we typically go back through there to see
10 if there's any, you know, if it's a student -- well,
11 let me say this. If it's a student that typically
12 doesn't have to or doesn't require -- they're not being
13 a harm to themselves or others, then we'll dig through
14 all of that.

15 Now, if it's just one that is normally
16 physically aggressive, then we still go through the
17 same processes, but we pretty much already know it was
18 like a trigger. It was this or that.

19 But with ones that we typically don't have to
20 do that with, we really go digging, like what in the
21 world? You know, why did you get to this level that
22 you had to be restrained, you know, and why weren't you
23 de-escalating because we always try the de-escalation
24 first and normally you de-escalate.

25 So we just dig back into their file and their

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1 data and things to try to figure that out and make a
2 plan so it doesn't have to happen, you know.

3 Q. For this current school year, approximately
4 how many restraints have been administered at
5 Harrell?

6 A. Oh, we've had only maybe two or three. Yes,
7 I'm comfortable with that.

8 Q. In the text box at the bottom of this page
9 that we're looking at --

10 A. Tell me the page again. I moved my finger.

11 Q. It ends in 926.

12 A. Okay.

13 Q. The last sentence in the paragraph of the text
14 box states, "Records are kept organized by student date
15 and updated timely." Correct?

16 A. Yes.

17 Q. Who was responsible for recording restraints
18 at Harrell?

19 A. It is our -- one of our crisis response team
20 members, and she puts in all of our data. Like our
21 inappropriate behavior forms go into SWIS, which is a
22 platform that connects -- it kind works along the
23 lines -- I mean, it works with PBIS and it allows us to
24 put in our data, and it creates charts and graphs for
25 us for the IEP meetings.

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1 But, anyway, she puts those in as well as
2 keeps up with the forms, restraint forms. Each time a
3 restraint happens we document the details on a form and
4 they're kept in a notebook. But witnesses have to sign
5 off, and then I review them daily, any restraint that
6 had to happen that day.

7 I mean, most of them I know about. Our center
8 is not that big. But if there was for some reason I
9 was out of the building or whatever, I always touch
10 back that afternoon or the next morning so that I know
11 kind of what happened, the details, and I sign off on
12 those too.

13 Q. The number of restraints that have occurred at
14 Harrell this calendar -- sorry, this school year --
15 were you including the Camden site in that total as
16 well?

17 A. No.

18 Q. Okay. How many restraints including the
19 Camden site?

20 A. I'm not sure about Camden.

21 Q. Okay.

22 A. More than three.

23 Q. Okay. More than five?

24 A. Most likely, yes.

25 Q. More than ten?

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1 A. Yes.

2 Q. More than 20?

3 A. No.

4 Q. Okay.

5 A. I feel comfortable like around 10, but that's
6 what I think it is.

7 Q. Last school year did the Camden site also have
8 a high number of restraints?

9 A. I'm not sure.

10 Q. Is the site coordinator at Camden responsible
11 for recording the restraint data?

12 A. Yes.

13 Q. Do you coordinate with the Camden site
14 coordinator around debriefing after a restraint
15 occurs?

16 A. Not every one but, yes, I have access to the
17 data or access to the forms and things, and we do
18 debrief over, you know, weekly everything that
19 happens.

20 Q. Is the Camden site taking any steps to lower
21 the number of students being restrained?

22 A. Yes. And they've noticed a difference already
23 from the beginning of the year. The majority of their
24 restraints were one student very, very physically
25 aggressive.

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1 So they had an IEP meeting, and they made some
2 changes on both ends like, you know, just the center
3 was doing some different things and then parents were
4 doing different things and encouraging the student to
5 do some different things and they did some scheduling
6 things too to try to help the behavior overall, which
7 ultimately, thankfully reduced the restraints because
8 he kind of dropped off being so physically violent.

9 Q. Does Harrell have a seclusion room?

10 A. No.

11 Q. Does the Camden site have a seclusion room?

12 A. No.

13 Q. Very early on in the day you mentioned that
14 you had this dream, kind of ideal vision of a sensory
15 room.

16 A. Uh-huh.

17 Q. Can you tell me whether that sensory room was
18 ever actually created?

19 A. Yes.

20 Q. Is that located at the Waycross site?

21 A. Yes.

22 Q. Is there a sensory room at the Camden site?

23 A. There is not a sensory room. There are
24 sensory items but there's not a room like we have at
25 the Waycross site.

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1 Q. Would you like there to be a sensory room at
2 the Camden site?

3 A. Oh, yeah, I would.

4 Q. Is there any funding that would allow that to
5 happen?

6 A. I mean, we've purchased things to create a
7 space, like to create space, create an environment.
8 But there's no specific space that we have at our
9 Waycross site.

10 But we've built items to create more of a
11 sensory-type situation or give them options for
12 sensory. So we've done that. So, yes, there's been
13 funding for that.

14 Q. Has the funding for the sensory room been
15 state funding?

16 A. I'm not sure.

17 Q. What does your sensory room at the Waycross
18 site look like?

19 A. It is -- I mean, like do you want me to
20 describe the items?

21 Q. Yeah.

22 A. We have a ball pit. We have a rock climbing
23 wall with pads. We have like -- it used to be an old
24 locker room I think in the old school before the
25 renovation.

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1 So there's these concrete walls like little
2 stalls, and somebody has already come through and put
3 tables -- or tabletops in them. So each stall is
4 something different. So this one has like trinkets and
5 things you twist and turn.

6 This one has kinetic sand. This one has
7 LEGOs. Like, we glued LEGO walls and they can play
8 LEGOs. And then this one has those little gel things
9 that get fat in water or whatever. They feel really
10 good put in your hand. And then one stall has a
11 chalkboard. The walls are chalkboard and they can just
12 write on the chalkboards.

13 And then we have those -- I don't know what
14 they're called -- but the big, like sensory wall things
15 that you can buy. They're like this wide (indicating).
16 They're made of wood but they have something that feels
17 like grass and something that feels like sandpaper,
18 something that makes noise, kind of like those baby
19 things that you can do all these little different
20 things on like roll the rattle and do all that kind of
21 stuff.

22 And then we have another sensory wall, wooden
23 thing that's hanging on the wall, that they can move
24 things on and make noises, different noises. And then
25 there's one that's more of like sparkly-type things and

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1 puzzles.

2 And then there's a black room, not a room but
3 like another stall. And it's got a -- it's like a
4 black light kind of theme and has like see-through
5 little curtains, almost like little pieces of, you
6 know, fringe kind of thing.

7 Anyway, that's there and it's got tactile
8 walls, bumpy walls. And then there's another one with
9 like an egg chair. And then there's a marble wall. I
10 don't know if you've seen one of those before. It's
11 this thing that's like this big and it's got all these
12 marbles in it and they like to rub it. And then we
13 also have the sequins that you can rub one way and it
14 changes color or whatever. We have a wall of those.

15 And then we have -- I'm not sure what it's
16 called, but it's this big tire. It's like a blow-up
17 tire thing. It looks like a big truck tire but it's
18 just the tube, inner tube part that's bouncy and they
19 jump on it and hold the bars.

20 And we have two trampolines, and we have two
21 huge beanbags. I think that's it. That's pretty much
22 it.

23 Q. Do all of your students at the Waycross site
24 have access to that room?

25 A. Yes. Yeah, our adaptive kids love it the

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1 most, but our other kids do too. But our other, kids
2 especially like the elementary, they like the
3 playground better, so they go out there and run
4 around.

5 Q. Is there any reason why a student at the
6 Waycross site would not be able to access the sensory
7 room?

8 A. Right now there's one student on probation.
9 He's one of our adaptive kids because as soon as he
10 walks in there he tries to destroy everything. And so
11 we're just -- we think it might be more of like a "him"
12 thing than the room.

13 So right now he's just kind of like on pause
14 because I think they're trying to get his medication
15 right or something. And so we think it's just more of
16 another issue because he used to be fine in the room.
17 But no, it's open for everybody.

18 Now, our high-schoolers, you won't catch them
19 in there unless they're going to help a teacher clean
20 up or do something. We also have music plans. Some of
21 them like to go in there -- go in there and just chill
22 out, I mean with a teacher, of course.

23 But that's the only one right now that's kind
24 of, like, not allowed until we figure you out.

25 Q. Is there anything else you would like to add

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1 to the sensory room to make it extra dream-ideal?

2 A. There's probably a lot. I might have to build
3 another room. But, no, I mean just as kids like things
4 because everything in there is -- basically somebody in
5 the building liked that thing. Oh, another one was
6 rice or beans and rice. They like to stick their hand
7 in there and like the way it feels.

8 So it's just as different things come along or
9 they like different things, like, oh, I want to do
10 that. And, okay, simmer down. We've only got one
11 room, you know. But I can't think of anything else off
12 the top of my head right now.

13 Q. Okay.

14 A. But I'm proud of it because they enjoy it and
15 it works.

16 Q. We'll go off the record, please.

17 THE VIDEOGRAPHER: Going off video record
18 5:59 p.m.

19 (Discussion off the record.)

20 THE VIDEOGRAPHER: We are now back on video
21 record 6:00 o'clock.

22 MS. ADAMS: Thank you, Ms. Livingston. That's
23 all we have for the United States.

24 A. Okay. Thank you.

25 EXAMINATION

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1 BY MS. JOHNSON:

2 Q. Hi, Ms. Livingston. My name is Melanie
3 Johnson, and I represent the State of Georgia in this
4 matter. And I know you've been here for a long day, so
5 I just have a few more questions for you. I promise
6 not to take too long.

7 A. Okay.

8 Q. You testified earlier that your supervisor is
9 someone with the RESA; is that correct?

10 A. Yes, ma'am.

11 Q. Is that also the person who hired you?

12 A. Yes, ma'am.

13 Q. Okay. Does the RESA also pay your salary?

14 A. Yes, ma'am.

15 Q. You also testified earlier that your program
16 uses the TKES and LKES program in order to conduct
17 evaluations, correct?

18 A. Yes.

19 Q. Has the state ever conducted your evaluation
20 using TKES and LKES?

21 A. No, ma'am.

22 Q. Okay. Has anyone from the state ever
23 conducted an evaluation of any of your staff members of
24 your program?

25 A. Not that I'm aware of, no, ma'am.

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1 Q. Who makes the personnel decisions with regards
2 to your program?

3 A. My staff. I mean, me and my administrative
4 team, we interview and recruit, interview, however you
5 want to call it, and then we make a recommendation to
6 Dr. Jacobs for the board to approve.

7 Q. Okay.

8 A. So we initially pick the staff members and
9 then we submit to Dr. Jacobs at RESA.

10 Q. Okay. Does the state have any role in that
11 process?

12 A. No, ma'am.

13 Q. Okay. We also discussed IEP team earlier
14 today. Are you aware of whether a member from the
15 State of Georgia is a member of an IEP team?

16 A. No, ma'am.

17 Q. And just to clarify, no, you're not aware or
18 no, a member from the state is not a member of the IEP
19 team?

20 A. I am not aware that a member of the state is
21 on any of my IEP teams.

22 Q. Okay. Are you familiar with your program's
23 IEP teams generally?

24 A. Yes, ma'am. Usually it's just my staff
25 members and the LEA staff members.

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1 Q. Okay. And you're not aware of any particular
2 State of Georgia employees on those teams as well?

3 A. Correct. I'm not.

4 Q. And along the same lines, are you aware of any
5 instance in which the state participated in an IEP
6 team's decision?

7 A. No.

8 Q. Okay. And, to your knowledge, has the State
9 of Georgia ever encouraged a decision that was
10 different than that of the IEP teams?

11 A. No, ma'am.

12 Q. And my last question, earlier today you
13 mentioned a negative stigma that can be associated with
14 GNETS. And I just wanted to know do you ever receive
15 positive feedback regarding your program?

16 A. Yes, ma'am. That actually has been all that
17 we have received. I mean, you know, every now and then
18 you might have a parent disgruntled, you know, mad
19 about a specific situation. But it's always been
20 resolved and we've always had positive feedback about
21 our program.

22 And since then, you know, the thing that we
23 hear, you know, the gossip or the rumor mill that we
24 hear with other programs, we just don't have, we
25 haven't had in our building. And so we're really proud

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1 of our good name with our program because we haven't
2 had that, the stigma.

3 Once the parents get in there and see, they
4 meet us and their students have experience in our
5 building, that goes away.

6 Q. Great. Okay. Well, that concludes my
7 questions tonight. And, again, I really appreciate
8 your time tonight.

9 A. Thank you.

10 Q. Thank you.

11 MS. JOHNSON: We can go off the record.

12 THE VIDEOGRAPHER: Going off video record 6:00
13 o'clock. Go ahead.

14 (Off the record discussion.)

15 THE VIDEOGRAPHER: We're now back on video
16 record at 6:00 o'clock p.m. Read or waive?

17 MR. NGUYEN: The witness will read and sign
18 the transcript.

19 THE VIDEOGRAPHER: And before we go off the
20 record, would anybody like to order the transcript or
21 video at this time?

22 MS. GARDNER: The United States has a standing
23 order.

24 MS. JOHNSON: The State of Georgia does not
25 need a copy of the video, just an E-transcript is fine.

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1 THE VIDEOGRAPHER: This concludes today's
2 videotaped deposition. The time is going to be
3 6:06 p.m. Going off the record now.

4 (Signature reserved.)

5 (Deposition concluded at 6:06 p.m.)
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The following representations and disclosures are made in compliance with Georgia Law, more specifically:

Article 10(B) of the Rules and Regulations of the Board of Court Reporting (disclosure forms).

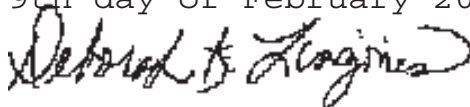
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I am a certified court reporter in the State of Georgia. I am a subcontractor for Esquire Deposition Solutions. I have been assigned to make a complete and accurate record of these proceedings.

I have no relationship of interest in the matter on which I am about to report which would disqualify me from making a verbatim record or maintaining my obligation of impartiality in compliance with the Code of Professional Ethics.

I have no direct contract with any party in this action and my compensation is determined solely by the terms of my subcontractor agreement.

This 9th day of February 2023.



Deborah K. Lingonis, RPR, CCR 2883

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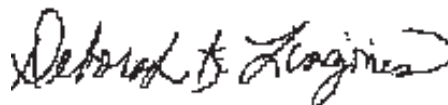
C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF CHATHAM:

I hereby certify that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages represent a true, complete, and correct transcript of the evidence given upon said proceeding, and I further certify that I am not of kin or counsel to the parties in the case; am not in the employ of counsel for any of said parties; nor am I in any way interested in the result of said case.

This 9th day of February 2023.



Deborah K. Lingonis, RPR
CCR 2883

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ESQUIRE ERRATA SHEET

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DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my deposition taken in the above-captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on this _____ day of

_____, 2023.

HALEY LIVINGSTON

HALEY LIVINGSTON
UNITED STATES vs STATE OF GEORGIA

January 30, 2023
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